

Guide to VOCAT

Victims of Crime Assistance Tribunal



An initiative of the Victorian Aboriginal Justice Agreement

This pamphlet is not meant to replace legal advice as the background of each person's claim will differ. The information in this pamphlet was current at the time of printing but may change without notice and should be checked.

This publication was financially assisted by the Department of Justice and the Victoria Law Foundation

What is VOCAT?

The Victims of Crime Assistance Tribunal (VOCAT) was created by the Victorian Government to acknowledge and provide financial assistance to victims of violent crime committed in Victoria. Victims of crime are people who are physically or psychologically injured as a result of a crime.

What is the Koori VOCAT List?

The Koori VOCAT List is aimed at increasing Koori access to awards of assistance from VOCAT. This initiative is supported by a broad range of Koori organisations including Victorian Aboriginal Legal Service and Aboriginal Family Violence Prevention and Legal Service Victoria.

Do I need a lawyer?

You can make the application for assistance by yourself or be represented by a solicitor; however, we strongly advise that you get legal advice before you lodge your application. (Please see useful contacts)

Am I eligible for assistance?

You are eligible for assistance if you are physically or psychologically injured as a direct result of:

- an act of violence committed against you
- trying to prevent an act of violence
- trying to rescue someone you believe is the victim of an act of violence
- being present at an act of violence
- becoming aware of an act of violence committed against your child or a child who is in your care and is under 18 years of age
- being a close family member of a person who has died as a result of an act of violence.

What assistance can I get?

- 1) Financial assistance to help you cope and recover from the effects of the crime. For example; costs of Counselling and medical expenses
- 2) Compassionate award called special financial assistance if you were the person who was the direct victim of crime.
- 3) Related Victims Support – for funeral expenses, distress, dependency as well as financial assistance.

Compensation is financial assistance from the Government and is limited. It is to assist victims to recover. The compensation is not meant to make up for what you have been through, but to acknowledge and assist your recovery from the crime/injury.

Types of awards

1) Primary victim applicant

You are a primary victim if you are injured or suffer any major effect, as a direct result of:

- an act of violence committed against you
- trying to arrest someone you believe has committed an act of violence,
- trying to prevent the commission of an act of violence
- trying to help/rescue someone you believe is the victim of an act of violence.

Up to \$60,000 of assistance may be available for the combination of: Counselling expenses, medical expenses, loss of earnings (up to \$20,000), loss of or damage to clothing worn at the time and, in exceptional circumstances, expenses to assist in recovery.

Special Financial Assistance is available for primary victims only. The amount a victim may receive depends on the injury sustained and the effect suffered as a result of the crime.

2) Secondary victim applicant

You are a secondary victim if you are:

- present at the scene of an act of violence and are injured as a result of witnessing the act of violence; or
- a parent or guardian who is injured as a result of becoming aware of an act of violence to their child under the age of 18.



VOCAT may award assistance up to \$50,000 for expenses incurred for the combination of Counselling expenses, medical expenses and loss of earnings (up to \$20,000 but only in exceptional circumstances), as well as expenses to assist recovery for some secondary victims.

3) Related victim applicant

You are a related victim if at the time of the act of violence you:

- were a close family member of
- were a dependant of or
- had an intimate personal relationship with - a primary victim who has died as a result of an act of violence in Victoria.

A total amount of \$100,000 is available for distribution between all related victims of any primary victim. The maximum for any one related victim is \$50,000 for Counselling, medical, funeral, distress, dependency and or expenses resulting directly from the death.

Urgent interim assistance

If you require urgent financial assistance, you can make an application for an interim award. This includes Counselling, medical, relocation, security, transport and other expenses.

VOCAT cannot assist with loss of or damage to property as a result of the crime.

How do I get assistance?

You must complete a VOCAT Application for Assistance form. This form can be obtained from your solicitor, local court or from the website (www.vocat.vic.gov.au). We strongly recommend that you discuss your application with a solicitor before you lodge your application. If you do not have a solicitor, please see the useful contacts on the back of this brochure.

What crimes are covered?

A crime that involves an assault (including sexual assault), or an injury or threat of injury to a person. You cannot receive a VOCAT award for crimes against property alone (including burglary, theft).

Is family violence and sexual assault covered?

Yes.

Do I have to report to the police?

If you did not report the act of violence to the police, you can still put in an application and be heard. Please seek legal advice first.

If I have committed a crime, am I still eligible for assistance?

Yes you are still eligible for assistance, however VOCAT must take into account the nature of the crime you have committed.

Is there a time limit to process an application to the VOCAT?

An application should be lodged within two years of the date of the act of violence occurring. However, you may apply for an extension of time. You should seek legal advice.

Does the crime have to have happened in Victoria?

Yes. In order to apply for assistance the act of violence must have occurred in Victoria.

Some useful contacts:

Legal Advice

Aboriginal Family Violence Prevention & Legal Service Victoria

Ph: 03 9244 3333

Free call: 1800 105 303 (not free from mobiles)

www.fvpls.org

Victorian Aboriginal Legal Service

Ph: 03 9419 3888

Free call: 1800 064 865 (not free from mobiles)

www.vals.org.au

Federation of Community Legal Centres Victoria

Ph: 03 9652 1500

www.communitylaw.org.au

General Support and Counselling

Victims of Crime Helpline

Victims of Crime Helpline can refer you to your local Victorian Assistance and Counselling Program office.

Free call: 1800 819 817 (not free from mobiles)

www.justice.vic.gov.au/victimsof

Aboriginal Family Violence Prevention & Legal Service Victoria

Ph: 03 9244 3333

Free call: 1800 105 303 (not free from mobiles)

www.fvpls.org

Victims of Crime Assistance Tribunal (VOCAT) Melbourne Registry

Ph: 03 9628 7855

Free call: 1800 882 752 (not free from mobiles)

www.vocat.vic.gov.au