

Guide to VOCAT

Victims of Crime Assistance Tribunal

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 violent crime.

What is the Koori VOCAT List?

VOCAT has a separate list for Koori victims of crime.

This 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 Legal Service, a program of Djirra.

Do I need a lawyer?

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

Am I eligible for assistance?

You may be 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?

You may be eligible for:

- 1) Financial assistance to help you cope and recover from the effects of the crime. For example; costs of counselling and medical expenses;
- 2) Special financial assistance if you were the person who was the direct victim of crime who suffered significant adverse effects;
- 3) Support for Related Victims – such as for counselling, medical, for funeral expenses, distress, dependency and in exceptional circumstances expenses to assist with recovery.

The awards of assistance is from the Government and is limited. It is to assist victims to recover. It 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

Types of awards vary depending on the category of victim

1) Primary victim applicant

You are a primary victim if you are injured or die, 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 awarded 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, safety related expended 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 type of crime, the injury sustained and the effect suffered as a result of the crime and cannot exceed \$10,000.00.

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 in exceptional circumstances.

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 amount for any one related victim is \$50,000 for expenses such as counselling, medical, funeral, distress, dependency and or other expenses resulting directly from the death and in

exceptional circumstances expenses to assist with recovery.

Funeral expenses only. VOCAT may award funeral expenses only actually or reasonably incurred by any person as a direct result of death of a primary victim.

Urgent interim assistance

If you require urgent financial assistance, you can make an application for an interim award. This may include expenses for Counselling, medical, relocation, security, transport or 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 lawyer, local court or from the website (www.vocat.vic.gov.au). We strongly recommend that you get legal advice before you lodge your application. If you do not have a lawyer, please see the useful contacts on this brochure.

What crimes are covered?

A crime that involves an act of violence such as assault (including sexual assault), or an injury or threat of injury to a person or death. 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?

You are required to report the act of violence to police within a reasonable time. However, if you did not report the act of violence to the police, you can still put in an application and be heard. VOCAT would need to determine if there were special circumstances as to why you did not report to police. Please seek legal advice first.

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

Yes you may still be 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.

Application to vary final award

In certain circumstances VOCAT may vary a final award. Time limits apply. You should seek legal advice.

Some useful contacts:

LEGAL ADVICE

Djirra's Aboriginal Family Violence Legal Service

Ph: 03 9244 3333 or 1800 105 303

www.djirra.org.au

Victorian Aboriginal Legal Service

Ph: 03 9418 5999 or 1800 064 865

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.

Ph: 1800 819 817

www.victimsofcrime.vic.gov.au

Djirra

Ph: 03 9244 3333 or 1800 105 303

www.djirra.org.au

Victims of Crime Assistance Tribunal (VOCAT) Melbourne Registry

Ph: 1800 882 752 or 03 8615 3879 (Koori List Registrar)

www.vocat.vic.gov.au

*The information in this publication is general information only. It is not legal advice. You must contact a lawyer for legal advice. The information is current at time of publishing in March 2017 but may change without notice.



Sharing stories, finding solutions

1800 105 303

www.djirra.org.au