

Victims of Crime

What is VOCAT?

VOCAT stands for the Victims of Crime Assistance Tribunal. This Tribunal was set up to provide financial assistance to victims of violent crime in Victoria.

VOCAT can be contacted on 03 9628 7855. It also has a website with useful information.

Can I get help from VOCAT?

You may be eligible for assistance from VOCAT if you have been the victim of a violent crime.

You may qualify for financial assistance if you were the victim of, or witness to, an act of violence which:

- occurred in Victoria and
- is punishable by a prison sentence and
- resulted in injury to you.

The word “injury” means actual physical/bodily harm, mental illness or disorder, pregnancy, or a combination of all of these.

VOCAT recognises primary victims (a person who is injured or dies as a result of the act of violence), secondary victims (a person who is present at the scene of an act of violence) and related victims (a person who is related to a primary victim who died).

What sort of assistance can I get from VOCAT?

VOCAT can provide a range of assistance depending on your needs and whether you are a primary/secondary/related victim.

If you are a primary victim, you may receive up to \$60,000 to cover medical expenses, counselling, and loss of earnings, which result directly from the act of violence.

In some circumstances the sum of \$60,000 may include amounts spent or likely to be spent in helping you to recover from the act of violence. Payments can cover a broad range of expenses such as improving your home security system, enrolling in yoga classes, taking self-defence classes, going on a holiday and so on. A link must be established to show that there is a direct connection between these recovery expenses and the criminal act of violence against the victim.

If you are a secondary victim, you may receive up to \$50,000 to cover medical and counselling expenses, and some loss of earnings, arising as a direct result of witnessing the act of violence.

If you are a related victim, you may receive up to \$50,000 for counselling expenses, funeral expenses that you have incurred and for distress that you have experienced in some cases. This sum may also include expenses to assist with your recovery.

The amount of financial assistance for which you may be eligible is quite specific, and the claim must relate directly to the criminal act of violence suffered or witnessed by you.

How do I make a claim?

You will first need to complete a VOCAT application form. The form is available from the VOCAT registry (233 William Street, Melbourne) and the VOCAT website and from most Magistrates' Courts and police stations.

You will need to provide VOCAT with detailed information about the offence, a copy of the police statement (if any), details of any injuries sustained by you, details of your medical specialists, the cost of treatment and so on.

Do I have to make a claim immediately?

You have two years from the date of the act of violence in which to make a claim for financial assistance from VOCAT.

In some exceptional circumstances it may be possible to apply for an extension of time.

Does the person who committed the violence have to be involved in my claim to VOCAT?

VOCAT may choose to notify the person who committed the act of violence against you that you have made a claim. However, you will be given the opportunity to object to the offender being notified before VOCAT makes contact with them.

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What happens once I have sent in my application?

Once VOCAT has received your application, you will be sent some documents including directions for preparation, a statement of claim form and an application for an extension of time form (if it is more than two years since the act of violence against you).

It is preferable to get legal assistance to complete your statement of claim, as this has to be a very detailed document.

Once VOCAT has received your statement of claim and all the supporting documents, a date will be set for a hearing. This may be some months after lodging your statement of claim. VOCAT will give you six weeks' notice of the time and date of your hearing.

Do I need a lawyer for the hearing?

You can attend the hearing on your own or with a lawyer. If you are representing yourself you can have a support person with you.

The hearing is very informal, and is closed to the public. You will be asked a number of questions about your application.

What other assistance is available?

The Victims Support Agency can link you in with your local Victims Assistance and Counselling Program (VACPS). VACPS in turn can link you in with a local counsellor who will provide you with a psychological report in support of your VOCAT application. In that report, the counsellor will identify the particular items including counselling, which will assist in your recovery. This is crucial to establish the direct connection between these recovery expenses and the criminal act of violence against you.

In the circumstances where a final intervention order has been obtained, VACPS can also provide you with five free counselling sessions, irrespective of whether a VOCAT application has been lodged.

Where an application has been lodged, VACPS has the discretion to provide other assistance for

example, food vouchers and taxi vouchers. It can also fund other things such as removalist costs, gym membership and installation of a security system. Where such funding is provided VACPS will usually seek that it be reimbursed by VOCAT at the final hearing.

What do I do if I need urgent assistance?

You may be able to make an urgent application to VOCAT. You can do this by writing to VOCAT – call first to find out where is the best place for you to write to. Many courts in Victoria have a full time registrar to deal with VOCAT claims.

It is possible to be granted an “interim” payment to assist with security costs, medical or counselling expenses before your application can be heard on a final basis. Security costs can include the changing of locks, installation of a security system or the cost to move to a safer house. The interim payment may be up to \$5,000.

You will need to convince VOCAT why your case is particularly urgent, and provide the invoices/receipts for what you are claiming.