



Victims of crime compensation Victoria

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Compensation for victims of crime in Victoria is available to eligible applicants by lodging a claim with VOCAT. It is not necessary for a perpetrator to have been charged with the crime, however, the crime must have been reported to the Police. In this blog, we look at:

- the role of VOCAT;
- who can claim victims of crime compensation;
- the compensation available;
- time limits associated with making a VOCAT claim; and
- how VOCAT claims work alongside other personal injury claims.

What is the Victims of Crime Assistance Tribunal (VOCAT)?

The Victims of Crime Assistance Tribunal (VOCAT) is a setup to provide financial assistance to victims of violent crimes perpetrated in Victoria. In order for victims of crime to be eligible for financial assistance through VOCAT, there are generally three preconditions:

1. That a violent crime was committed against you, and you have suffered an injury;
2. The crime committed against you occurred in Victoria;
3. That you are a primary, secondary or related victim of the crime.

Who can make a VOCAT claim?

Victorian victims of crime may be eligible for compensation under one of three categories. The *Victims of Crime Assistance Act* 1996 provides the following definitions of primary, secondary and related victims.

Primary victim

A primary victim is a person who is injured or dies as a direct result of:

- a violent crime committed against them;
- trying to arrest someone he/she believes, on reasonable grounds, has committed a violent crime;
- trying to prevent the commission of a violent crime; or
- trying to aid or rescue someone he/she believes is the victim of a violent crime.

Secondary victim

A secondary victim is:

- a person who is present at the scene of a violent crime and who is injured as a direct result of witnessing that crime; or
- a person injured as a direct result of subsequently becoming aware of an act of violence and who is the parent/guardian of the primary victim who was under the age of 18 at the time the criminal act was committed.

Related victim

A related victim is a person who, at the time of the violent crime:

- was a close family member of a deceased primary victim;
- was a dependant of a deceased primary victim; or
- had an intimate personal relationship with a deceased primary victim.

How to make a VOCAT claim?

To make a VOCAT claim, it is important to gather all of the relevant information. This includes:

- the date and location of the crime;
- whether the act of violence was reported to the police and who and where it was reported;
- the injury or death arising from the act of violence;

- Whether the applicant wants to attend a hearing;
- whether the applicant has received compensation from any other scheme or source, including WorkCover, TAC, Sentencing Act, civil damages or any other relevant insurance scheme including superannuation income protection.

It is also important that you receive treatment for your injuries, including medical and psychological support if you have sustained a psychological injury. A report may be required from your treating psychologist if you are claiming psychological support. This needs to be on the prescribed VOCAT form.

Once all of the relevant information is obtained, a claim can be [lodged with VOCAT either online](#) or filed at the Tribunal's registry in Melbourne.

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What type of victims of crime compensation is available?

If you are eligible to make a VOCAT claim, there are a number of different types of financial assistance options potentially available to you. These include:

- reasonable counselling/psychological expenses;
- reasonable medical expenses (including dental, optometry, physiotherapy, hospital and ambulance expenses);
- replacement of damaged clothing that was worn at the time of the crime;
- reasonable safety-related expenses, for example, changing locks on doors or relocation costs (primary victims only);
- reasonable funeral expenses incurred by a related victim as a result of a primary victim's death;
- loss of earnings payments up to a maximum of \$20,000 if you are unable to work as a result of the crime and your injuries (primary & secondary Victims only);
- Special financial assistance (primary victims only);
- distress and dependency benefits for related victims, which means financial assistance the related victim would have been reasonably likely to receive from the primary victim for up to two years after their death.

How much compensation is available through a VOCAT claim?

The amount of compensation available to victims of crime through VOCAT is capped.

The maximum amount of compensation available depends on the type (category) of victim of crime you are. There is more potential compensation available to primary victims than secondary or related victims. Special financial assistance can be paid in exceptional circumstances over and above those caps.

Time limits for a victims of crime claim

The general time limit for making a victims of crime claim with VOCAT for a primary victim is two years from the date the crime was committed.

If making a claim for funeral expenses for a person who died, the time limit is two years from the date of their death. It is important to know that there is no time limit if you are making a claim for physical or sexual violence that occurred when you were under the age of 18 years.

It is also important to know that if you are out of time, there is still a chance that your claim will be accepted, but you will need to provide reasons for the delay when making your claim. To understand your options, you should contact Guardian Injury Law so that we can provide advice and assist you in this process.

[Contact us for free advice: 1300 700 761](#)

Can I claim for property damage?

Unfortunately, the only type of property damage that you can claim with a VOCAT claim is the replacement of damaged clothing that was worn at the time of the crime.

How does VOCAT intersect with other types of personal injury claims?

VOCAT offers important assistance to victims of violent crimes in Victoria. What you may not know is that, dependent on the type of crime, there may be other compensation options available to you.

You may be eligible for [worker's compensation](#) if the crime happened during the course of your employment or a [TAC claim](#) if the crime is related to a road accident.

If you suffered physical, sexual or emotional abuse as a child in an institutional setting in Victoria, you may be eligible to make a claim either directly against the institution by way of a common law claim or through the National Redress Scheme.

We explain child abuse compensation options in a series of previous blogs:

- [Two compensation options for survivors of childhood abuse – civil common Law or the National Redress Scheme](#)
- [National Redress Scheme for survivors of childhood sexual abuse](#)
- [Abuse compensation claims against schools](#)
- [Abuse compensation under the Sentencing Act s85B](#)

It is important that you get advice from an experienced personal injury lawyer who can advise you on all of your potential compensation entitlements.

How we can help

We understand, through our experience with VOCAT claims, how challenging and stressful a time it can be for victims of crime. At Guardian Injury Law, we aim to deliver our services in a trauma-informed manner. We will listen to your story and advise you on all potential compensation options available to you.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.