

# Guide to completing a Financial Assistance Application (Primary Victim)

The Victims of Crime Commissioner administers the Financial Assistance Scheme to victims of acts of violence committed in the ACT. Financial Assistance can cover your out of pocket expenses for goods and services needed to help you recover from an injury caused by an act of violence.

Please use this guide as you fill out your financial assistance application as it will provide you with information to help you complete the form.

If you have any further questions you can call Victim Support ACT on 1800 822 272 or email

[fasvsact@act.gov.au](mailto:fasvsact@act.gov.au). More information on financial assistance is also available on our website at

[www.victimsupport.act.gov.au](http://www.victimsupport.act.gov.au).

## Who can apply for financial assistance?

**Primary victim** - A person who has been injured as a direct result of an act of violence committed on them by another person.

**Related victim** - A relative of, or person who was in a relationship with, a person who died as a result of an act of violence done by another person.

**Homicide Witness** - A person who was present when a homicide occurred, or a person who is a witness in a criminal proceeding related to the homicide. This is only available for applications made for acts of violence which have occurred after 1 July 2016.

**Funeral Assistance** - A person who is expected to pay for or has paid for the funeral of a person who died as a result of a homicide. For acts of violence before 1 July 2016, a person will only be eligible if they are related to the primary victim.

## What is an act of violence?

An act of violence is a violent crime that directly results in the death of or injury to a person. To be eligible for assistance the act of violence must have been committed in the ACT.

The act of violence may be:

- Murder, manslaughter, culpable driving causing death
- Assault offences
- Robbery, aggravated robbery
- Sexual offences
- Domestic violence offences
- Stalking, kidnapping

## What scheme do I apply for?

*If the act of violence occurred **on or after 1 July 2016*** - Apply to the Victims of Crime Commissioner using the forms found on the Victim Support ACT website.

*If the act of violence occurred **before 1 July 2016*** – Apply to the Victims of Crime Commissioner using the forms found on the Victim Support ACT website.

The Victims of Crime Commissioner is now the decision maker for **all** applications for financial assistance.

If you have already lodged an application for financial assistance with the ACT Magistrates Court (with assistance from the ACT Government Solicitor) for an act of violence that occurred before 1 July 2016, you will not be able to lodge another application with the Victims of Crime Commissioner for the same act of violence.

Victim Support ACT can assist you in making an application regardless of when the act of violence occurred or when the application is being lodged.

## Completing the application form for assistance

If you are applying as a primary victim or on behalf of a primary victim then you should complete the **Primary Victim Application Form**.

If you are applying as a related victim or a homicide witness (only available for acts of violence after 1 July 2016) then you should complete the **Related Victim/Homicide Witness Application Form**.

If you are applying for a funeral assistance payment then you should complete the **Funeral Assistance Application Form**.

All application forms are available on our website at [www.victimsupport.act.gov.au](http://www.victimsupport.act.gov.au) or by calling 1800 822 272 / 6205 2066 or emailing [fasvsact@act.gov.au](mailto:fasvsact@act.gov.au) to have a form mailed to you.

Completed forms and supporting documentation should be sent to either [fasvsact@act.gov.au](mailto:fasvsact@act.gov.au) or to ACT Financial Assistance Scheme, GPO Box 158, Canberra City, ACT 2601.

## Completing the Primary Victim Application form

Primary victims and people applying on behalf of a primary victim should complete the Primary Victim Application Form.

**Step 1.** You should start by identifying what you are applying for. You may choose 1, 2, or all of the options.

An **immediate need payment** is for urgent costs such as cleaning the scene of a homicide, measures for personal security, relocation costs and emergency medical costs and related services that would contribute to recovery. Emergency medical costs and related services will only be considered an immediate need payment if the applicant does not have the financial ability to pay for the treatment or service. Otherwise it can be applied for as an economic loss payment.

An **economic loss payment** is for the cost of counselling or other psychological support, expenses (other than legal costs) incurred in making the application, medical and dental expenses, travel expenses, justice related expenses, loss of earnings, expenses incurred by the parent or carer of a primary victim and loss of or damage to personal items.

A **recognition payment** is a payment to acknowledge the harm and trauma suffered by primary victims of an act of violence or related victims of homicide. This payment is based on the act of violence the victim was injured by with increases for certain aggravating factors.

A **special assistance payment** is a payment to acknowledge the harm and trauma suffered by primary victims of an act of violence or a related victim and is only payable for acts of violence before to 1 July 2016. This payment is based on the act of violence the victim was injured by and provides the person must have suffered an extremely serious injury that results in a permanent impairment, loss or disfigurement.

For acts of violence before 1 July 2016, you may only apply for a recognition payment or a special assistance payment, not both.

**Step 2.** You are then asked if you have previously lodged an application for financial assistance. This includes any previous applications lodged with the Victims of Crime Commissioner or the Magistrates Court (with assistance from the ACT Government Solicitor) whether or not they have been withdrawn, finalised or are still being assessed.

**Step 3.** You must indicate whether you have ever received a notice stating that you are required to repay an amount of money to the Financial Assistance Scheme. You may have received this notice as either a recovery notice or a repayment notice.

A **recovery notice** is a notice given to offenders who have been convicted or found guilty of an act of violence where the victim has received financial assistance. The notice seeks to recover some or all of the amount paid to the victim.

A **repayment notice** is a notice given to a person who has been awarded financial assistance and subsequently receives an amount of money from another source that covers the same harm or loss as the financial assistance awarded. The notice seeks to recover some or all of the amount paid to the victim.

If you have received either of these notices and there is still money owing then you must indicate the amount still owing.

## SECTION 1 - Primary Victim's details

Section 1 asks for personal information of the person wanting assistance (the primary victim) who was injured through the act of violence. If you are completing the application on someone's behalf then it will be their details that you enter here. Section 1 must be completed for the application to be assessed.

## **SECTION 2 - Details of a person applying on behalf of the primary victim**

Section 2 asks for the details of a person who is applying on a primary victim's behalf. If you are applying on your own behalf then you do not need to complete this section.

There are two circumstances in which you can apply on someone's behalf.

- **As a formally appointed person**

For primary victims under 18 years of age, a parent/guardian or lawyer can apply on behalf of the child. Any money awarded may be placed with the Public Trustee to be held in trust.

For adults with an impaired capacity, a legally appointed guardian, a person appointed under an enduring power of attorney or a lawyer can apply on behalf of the primary victim.

Formally appointed people **must** provide a copy of relevant documentation to verify the authority.

- **As an informally appointed person**

A member of the primary victim's support network can apply on behalf of a primary victim who is unable to apply on their own. An example would include a primary victim who is overseas and does not have access to a computer. Any money awarded will be paid directly to the primary victim. A primary victim will have to provide written consent for a person to apply on their behalf without legal authority.

**Please note:** If you are only helping the applicant to complete their application – for example you are a support worker or family member assisting with language, reading or writing difficulties – your details are not required in Section 2 and the applicant (primary victim) must be the one to sign Section 9 (Declaration and agreement to conditions) and Section 10 (Consent form).

## **SECTION 3 - Details of the act of violence**

Section 3 of the application asks for some details about the act of violence. There is space to put the date the act of violence occurred on or a date range.

When choosing the nature of the act of violence, you should pick the one that most closely matches the act of violence. If there were several acts of violence then you should pick one and mention any others in the text box where it asks to briefly describe what happened. If you are unsure of the act of violence type then choose other and describe what happened in the text box.

**Please note:** attempt, conspiracy or threat to commit any of these acts of violence are included in the actual act of violence type.

Please indicate if you are aware whether anyone was charged with the act of violence, and if so whether you know the name(s).

**Please note:** A person is not eligible for financial assistance if they committed the act of violence, conspired with the person who committed the act of violence, was involved in a serious crime at the time of, and which led to, the act of violence or unreasonably failed to give assistance to police in relation to the act of violence.

## **SECTION 4 - Reporting the act of violence**

Section 4 asks about who the act of violence was reported to. In general, the act of violence **must** have been reported to police to be eligible for financial assistance. There are certain exceptions for particular vulnerable victims.

Fill in Part A if you, or someone else, reported the act of violence to police. Fill in as much detail as possible. You do not need to supply a copy of the police report as this will be requested from ACT Police by the FAS team.

Fill in the Part B if you ticked 'no' in Part A because the act of violence was not reported to police. You need to explain why the act of violence was not reported to police and whether you reported the act of violence to someone other than the police. You should include as many people/agencies that you reported to and their contact details as you can. It is likely that they will be contacted to provide evidence of the report being made. In order to do this you will have to give your consent for them to share this information. Please speak to the individual/agency about what consent they will require.

You may not be eligible for financial assistance if you have not reported correctly or there is not a reasonable excuse for a report to police not being made.

**Please note:** if you are a person who fits in to a vulnerable category with an exception to reporting to police you must have reported to a specific combination of either a Doctor/Psychologist/Social Worker/Counsellor, a government agency, or a specific non-government agency (e.g. Domestic Violence Crisis Service or Canberra Rape Crisis Centre).

## **SECTION 5 - Injury**

Section 5 asks about the injury that you sustained as a direct result of the act of violence. To be eligible for financial assistance you must have suffered either a physical or psychological (including mental illness or mental disorder) injury. This includes the aggravation, acceleration or recurrence of an injury or disease (including the contraction of a disease).

If the injury occurs as a direct result of a sexual or domestic violence offence, it can include;

- unplanned pregnancy
- a reduced sense of self-worth
- reduced capacity to participate in sexual activity
- a sense of violation
- increased fear or feelings of insecurity

**Please note:** You will need to provide evidence of your injury. If you have any medical reports/hospital records then you should attach them to your application. If you would like the Victims of Crime Commissioner to assist you to access your medical/hospital records then you should complete Section 10 (Consent form).

## **SECTION 6 - Financial Assistance for an Immediate Need payment**

Complete Section 6 if you have expenses that you have incurred, or are likely to incur, for an immediate need that is related to the act of violence.

The expenses must be necessary to promote the recovery, prevent further harm and/or limit further threats to the safety of the primary victim.

Only particular expenses are able to be applied for as an Immediate Need payment.

- **Cleaning the scene of homicide** includes payment to a cleaning company. The maximum amount that can be awarded is \$5,000.
- **Measures for personal security of a victim** for example installing security window screens or changing locks. The maximum amount that can be awarded is \$4,000.
- **Relocation for personal security of a victim** includes reasonable moving costs which will aid in the personal security of the victim. The maximum amount that can be awarded is \$4,000.
- **Emergency medical costs and related services** includes medical and related costs that are a direct result of the act of violence, are urgent and the applicant does not have the financial ability to pay for the treatment or service. The maximum that can be awarded is \$10,000. Medical costs and related services can be applied for as an economic loss payment where they are not urgent and/or the applicant has the financial ability to pay for the treatment or service upfront.

The total amount that can be awarded overall as Immediate Need payments is \$10,000.

You will need to provide proof of the expenses with receipts or invoices. In addition to the expense category you are asked to provide the details of the service provider and the expense, and the amount you are claiming. Any payments towards the expense from another party, such as Medicare rebates, private health insurance, worker's compensation or government assistance will be deducted from the amount if it is awarded.

There is space to provide several expense claims on the application form, however if you require further space for additional expenses you can add them at Section 11 (Notes).

A payment of an Immediate Need expense can be paid to you, directly to the provider of the goods or services, or someone else who paid the expense on your behalf.

**Please note:** If you receive an Immediate Need payment and are later deemed to be ineligible for financial assistance you will be required to repay the amount.

## **SECTION 7 - Financial Assistance for Economic Loss**

Complete section 7 if you have expenses that you have incurred, or are likely to incur, for an economic loss that is related to the act of violence. The expenses must be related to helping you recovery from the act of violence.

Only particular expenses are able to be applied for as an economic loss payment.

You can claim expenses that have already been paid, someone has paid on your behalf, or expenses which you think you may incur in the future (even if you have not yet received the treatment or used the service). You **must** be able to provide receipts, invoices, accounts or other proof of expenses. Please attach these documents (or copies of them) to your application. The assessor will contact you and ask for more details or any further proof required for the

expenses you are claiming.

**Expenses for counselling or other psychological support** is only available if the applicant was not able to access appropriate services under the victim services scheme provided by Victim Support ACT.

**Expenses, other than legal costs, incurred in making the application** is available for costs associated with accessing records or evidence relevant to the application such as medical records or police reports. This does not cover legal fees.

**Medical and dental expenses** includes medical and dental costs that are a direct result of the act of violence. You may be required to provide information from your health practitioner describing your injuries and recommended treatment as a result of the act of violence.

**Travel Expenses** are available for travel relating to appointments or treatment for medical purposes. This can include public transport or reimbursement for petrol used.

**Justice related expenses** are expenses relating to attending justice proceedings and may include travel and accommodation. These expenses **will not** be covered where the primary victim is required as a witness in proceedings as this will be covered by the Director of Public Prosecutions or the Australian Federal Police. The maximum that can be awarded for justice related expenses is \$5,000.

**Reasonable expenses incurred by the parent or carer of the primary victim** includes an expense that is incurred or likely to be incurred by the parent or carer of a primary victim as a result of the act of violence. For example, travel expenses to accompany the primary victim to interstate medical appointments. This amount is deducted from the total amount that the primary victim is eligible for.

**Other expenses** are for exceptional circumstances that the Victims of Crime Commissioner decides should be provided to aid in the primary victim's recovery.

**Loss of or damage to personal items** is for primary victims only. Primary victims may be entitled to financial assistance for an item to be fixed or replaced if it was damaged as a direct result of the act of violence and would assist in the primary victim's recovery.

You are then asked to identify whether you are claiming loss of earnings.

**Loss of actual earnings** includes the actual loss of earnings where the primary victim was absent from work.

A parent or carer of a primary victim may apply for loss of earnings for time away from work spent caring for the primary victim.

Evidence **must** be provided to show the dates you were away, your salary, and in some circumstances, evidence from a doctor. You **must** also be able to show that you and/or your parent or carer have used all your personal leave / annual leave entitlements from your employer before being apply to apply for a loss of actual earnings.

The maximum that can be awarded for loss of earnings is \$30,000.

If you were self-employed you will need to provide some form of evidence that shows what days you were absent from work, such as medical records. You will also need to provide evidence of your salary such as taxation documents or statements from your accountant.

**Please note:** Any leave entitlement (including personal/sick leave or annual/holiday leave) must be used up before loss of earnings can be awarded. You will need to provide evidence to show your own leave entitlements have been exhausted.

The total maximum amount that can be claimed for economic loss is \$50,000 which is the total maximum amount that a primary victim can receive for all combined payments for an application. This means if you are awarded \$50,000 under economic loss then you will not be eligible for any more payments (including immediate needs and recognition payments).

## **SECTION 8 - Money received from other sources**

Section 8 asks you to identify whether you have received, or intend to make a claim for, money from other sources in relation to the act of violence. This includes, but is not limited to, an award of damages or a reparation order, Medicare benefits, workers compensation, a civil or other court claim, income protection insurance or a Centrelink payment.

If you answer yes to any of these, please provide details such as who the claim is with, what the status is (e.g. have you put in a claim yet, when is it due to be assessed) and what the outcome was (including the amount awarded).

**Please note:** You must declare if you may be eligible to receive any of these sources even if you have not yet

lodged the claim or received the payment.

If you are awarded financial assistance and then receive money from another source you will be required to repay money to the financial assistance scheme.

### **SECTION 9 —Declaration and agreement to conditions**

This section is where you declare that everything that you have provided in the form is true and correct. Your application will not be assessed unless the declaration has been made and the terms and conditions have been agreed to.

You must also sign the form for the assessment to occur. If you are filling in your form online then you must type your name in the text box.

This section must be completed by the person applying for assistance unless the person applying on their behalf has a formal authority to do so (e.g. legal guardian, parent).

If the person completing the form is doing so on someone's behalf and has a formal authority to do so then they should complete this section and provide copies of supporting documentation in relation to the formal authority.

**Please note:** If you provide any information that you know to be false or misleading on your application form you may be required to repay all of the money provided to you and could face criminal charges.

By completing this section you are acknowledging that the Victims of Crime Commissioner is authorised to seek and obtain information to verify any of the information you provide and to ask for proof of your identity.

### **SECTION 10 —Consent form**

This section should be completed if you would like the Victims of Crime Commissioner to obtain medical records on your behalf. You are entitled to obtain any information required for your application on your own however if you would like the Victims of Crime Commissioner to assist with obtaining this information on your behalf then your permission will need to be provided.

In order to give the Victims of Crime Commissioner permission to obtain medical records on your behalf you will need to provide your name and address and what the act of violence was and what date it was committed on. This is so that the health professional/agency can provide the correct information for the correct act of violence.

You may list as many Health Professionals/Agencies as you would like. This may include your GP, a hospital, a counsellor, a psychologist, a government agency or a non-government support agency. Where possible, you will need to include an address and phone number for each Health Professional/Agency listed.

The disclaimer at the end of this section is to make you aware that the Victims of Crime Commissioner has no control over what information the Health Professional/Agency provides. Where information is received that is not relevant to your application it will either be returned or destroyed.

The Victims of Crime Commissioner will not discuss or provide any medical records to anyone unless required by law.

**Please note:** We are not able to provide you with copies of any information we obtain on your behalf as the information belongs to the record holder. If you would like copies of this information you will need to obtain it directly from the source.

### **SECTION 11 - Notes**

You should use this space to provide any additional information that you were unable to provide anywhere else on the form. You may also attach additional pages if there is insufficient space.