

Victims of Crime



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If you have suffered a physical or mental injury as a result of a crime, for example assault, rape or robbery, you may be eligible for compensation.

Compensation may also be available for close family members of a homicide victim, pregnancy resulting from a sexual offence, and shock resulting by witnessing a crime.

Different ways to claim compensation

1. **If the offender is being prosecuted** (by the police): let the prosecutor know that you want to claim compensation, and the offender may be ordered to pay you when they are sentenced.
2. **Sue the offender directly** for the damages caused by the crime.
3. **Apply for the government's 'Victims of Crime' compensation scheme**: appropriate if the offender is unknown, cannot be found, or cannot pay compensation.

Who is covered by the Victims of Crime compensation scheme?

The Scheme covers:

1. **Physical injuries** caused by the commission of an offence, and
2. **Psychological injuries** caused by direct involvement with the offence, or consequences of the offence.
3. May also cover **immediate family** of a deceased victim, and parent/guardian **if the offence is against a child**.

The Severity of the Offence

The offence must have **certain consequences** to be eligible for compensation under the scheme. It must have:

1. Caused death or physical injury.
2. Involved violence or a threat of violence against the person their immediate family.
3. Created a reasonable apprehension of imminent harm to the person or their immediate family.
4. A sexual offence.

Can the Offence be Proven?

The offence must be proven *beyond reasonable doubt* to be eligible for compensation under the scheme.

- **If an offender is successfully prosecuted**: the offence is proven.
- **If no offender is caught / someone is charged but the prosecution does not go ahead / prosecution fails**: a claim can still succeed if there is enough evidence that the victim's injuries resulted from a crime. Independent evidence corroborating the crime may be needed, and is not limited to eyewitness evidence.
- **Where the offence cannot be proved**: a grace payment may be available.

For further information about your rights and responsibilities, contact the Adelaide Legal Outreach Service on (08) 8118 5200 or email us at alos@adelaide.edu.au to arrange an interview.

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