

Information for persons affected by the Victorian Bushfires



The Victims of Crime Assistance Tribunal understands that many people have been injured or lost loved ones as a result of the Victorian Bushfires. The Tribunal may, in some circumstances, be considered as a source of financial assistance.

This information sheet provides an overview of the type of financial assistance that may be awarded by the Victims of Crime Assistance Tribunal, when assistance may be awarded, how an application for assistance can be made, and information about legal and support services that can assist persons affected by the Victorian Bushfires.

Role of the Tribunal

The Victims of Crime Assistance Tribunal provides financial assistance to victims of violent crime committed in Victoria when financial assistance cannot be obtained from any other source. The purpose of the award is to acknowledge the injury or loss suffered and to assist recovery from the crime.

The circumstances in which the Tribunal may award financial assistance to a victim of crime, and the amount of financial assistance that may be awarded, is limited by the *Victims of Crime Assistance Act 1996*.

When assistance may be awarded

The Tribunal can award financial assistance only if it is satisfied that an applicant has suffered an injury as a direct result of an act of violence. *Act of violence* refers to a criminal offence punishable by imprisonment which causes death or injury, or threat of injury, to a person.

To establish whether an act of violence has been committed, the Tribunal will require Victoria Police to provide information to the Tribunal regarding its investigation of the act of violence, and a person's claim to be a victim of that act of violence. The Tribunal will liaise directly with Victoria Police to obtain this information. In addition, the Tribunal will require information from the applicant regarding the nature of the injuries sustained as a direct result of the act of violence, and any entitlement to assistance from other sources.

The Tribunal can award financial assistance only where an applicant is unable to obtain assistance from any other source. Such sources include, but are not limited to, the following schemes:

- Australian Government Disaster Recovery Payment
- Australian Government Income Recovery Subsidy and Newstart Allowance
- Australian Government Funeral/Memorial Assistance
- Victorian Government Emergency Grants
- Victorian Bushfire Appeal Fund – Initial Home Dislocation Payment
- Victorian Bushfire Appeal Fund – Severe Injury Payment
- Victorian Bushfire Appeal Fund – Compassion and Bereavement Payment
- Health insurance schemes

Type of assistance that may be awarded

The Tribunal can award financial assistance for reasonable medical and counselling expenses to assist a person in the recovery from an act of violence, and where loss of earnings or funeral expenses have resulted from an act of violence. In some circumstances, an applicant may be entitled to a payment which recognises the distress or trauma experienced by them as a direct result of the act of violence. In exceptional circumstances, the Tribunal may award assistance for other types of expenses that will assist an applicant's recovery from the act of violence.

The Tribunal cannot award financial assistance for expenses incurred through the loss of, or damage to, property as a result of an act of violence, except for clothing worn at the time of the act of violence.

Time taken to determine an application for assistance

The time taken to finalise an application will vary as the Tribunal requires information from police about the act of violence before an application can be determined. The Tribunal will usually await the outcome of the police investigation into the act of violence before finalising an application. In some cases, the Tribunal may decide to await the outcome of criminal charges arising from an act of violence, or the outcome of a coronial investigation, before determining an application. In some circumstances, the Tribunal may be able to respond to an applicant's urgent needs by way of interim awards of financial assistance pending the final determination of an application.

Enquiries

All enquiries to the Tribunal regarding the Victorian Bushfires should be directed to the Tribunal at Melbourne on ☎(03) 9628 7857. Country callers may contact the Tribunal at Melbourne on ☎1800 882 752.

The Tribunal's office hours are from 9am to 4.30pm, Monday to Friday (excluding public holidays).

Making an application for assistance

An application to the Tribunal for financial assistance must be made in writing by completing and lodging an *Application for Assistance* form. Application forms may be downloaded from the Tribunal's website at www.vocat.vic.gov.au, or obtained from any venue of the Magistrates' Court of Victoria.

An application must include information about the act of violence, the injury or death arising from the act of violence, whether the act of violence has been reported to police, the type and amount of assistance sought, whether the applicant has applied for damages, compensation, assistance or payments of any kind under any other schemes, and details of any relevant insurance cover.

All applications for assistance arising from the Victorian Bushfires must be lodged at Melbourne, at the following address:

Victims of Crime Assistance Tribunal
GPO Box 882G
Melbourne Vic 3001

Although applications must be lodged at Melbourne, the Tribunal will consider conducting hearings at other venues of the Tribunal. All venues of the Magistrates' Court of Victoria are venues of the Tribunal.

Legal assistance

Persons considering making an application to the Tribunal for financial assistance are encouraged to obtain legal advice before making an application. A lawyer cannot charge an applicant costs in respect of an application to the Tribunal, unless the Tribunal approves those costs. Where an application for financial assistance is successful, the reasonable legal costs associated with making the application will usually be paid by the Tribunal, directly to the lawyer.

If you have been affected by the Victorian Bushfires, call the Victorian Bushfire Legal Help Line on ☎1800 113 432 for free legal information. The help line is open from 8.45 am to 5.15 pm, Monday to Friday.

Victims of Crime Helpline

Call the Victims of Crime Helpline on ☎1800 819 817 for information, support and referrals to local support services. Helpline staff can provide information and support to persons affected by the Victorian Bushfires.