

# You have Questions We have Answers

## VoCAT

### What is VoCAT?

VoCAT is an acronym for the Victims of Crime Assistance Tribunal.

VoCAT was established to provide assistance to victims of violent crime committed in Victoria. VoCAT assists victims to recover from a crime by providing financial assistance for expenses incurred, or reasonably likely to be incurred, as a direct result of the crime.

VoCAT may award financial assistance for counselling, medical, safety related and funeral expenses, loss of earnings and other expenses to assist a victim of crime in their recovery.

Unfortunately, VoCAT cannot award financial assistance for expenses incurred through the loss of or damage to property as a result of a crime.

Lump sum payments may also be made to certain victims of crime for special financial assistance and distress, to assist victims in their recovery and in recognition of injury, distress and trauma experienced or suffered by them as victims of crime.

### How much will the Application cost?

VoCAT do not charge a fee for the filing of an Application. A Solicitor cannot charge an applicant legal fees in relation to an Application, unless the Tribunal approves those costs.

VoCAT has the full power to determine the costs of and incidentals to all proceedings at the Tribunal and by whom and to whom the extent of the costs to be paid.

legal fees incurred by the Applicant will usually be paid by the Tribunal, directly to the applicant's legal representative where the Application is successful.

### Who can apply for assistance?

You may apply for assistance if:

- a violent crime was committed against you and you have suffered an injury
- the crime occurred in Victoria
- you are a primary, secondary or related victim of that violent crime or a person who has been left to deal with the expense of the funeral of the primary victim.

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### **Who is a Primary Victim?**

A Primary Victim is a person who is injured or dies as a direct result of:

- a violent crime committed against him or her,
- trying to arrest someone whom they believe has committed an act of violence
- trying to prevent an act of violence or the commission of a crime
- trying to aid or rescue someone that they believe is a victim of a violent crime

### **Who is a Secondary Victim?**

A Secondary Victim is a person who is injured as a direct result of:

- being present at the scene or witnessing an act of violence
- becoming aware of a violent crime where they are parent or guardian of the victim who was under the age of 18 at the time of the criminal act

### **Who is a Related Victim?**

A Related Victim is a person who at the time of the violent crime:

- was a close family member of the deceased Primary Victim
- was dependent on the deceased Primary Victim
- had an intimate personal relationship with the deceased Primary Victim

### **Are there other forms of Assistance Available?**

VoCAT recommends that other avenues for financial assistance are explored prior to an applicant making an Application with the Tribunal for Assistance. The other avenues include:

- Workcover if the incident occurred at work; or
- Transport Accident Commission (if the incident involved a motor vehicle); or
- The Police Assistance Act (if the victim was injured assisting the police); or
- Medicare and/or Private Health Insurance (for some medical bills); or
- The offender (if found guilty).

The Tribunal will take into account any other assistance received by the Applicant in determining the amount of financial assistance (if any) to be awarded. If the Applicant is successful in claiming a payment from another source, the Tribunal may require reimbursement of any amount paid to the applicant by the Tribunal.

### **Do Time Limits Apply?**

Yes, an Application for assistance must be made within 2 years after the crime, or within 2 years after the death of the primary victim for a related victim or a person who has incurred funeral expenses.

In the event of an Application being made out of time, the Applicant will be sent an "Application for Extension of Time" form which must be completed setting out the reasons for the delay in the Application being made.

In giving regard to all of the circumstances, if the Tribunal is satisfied that the Application should be allowed, then the Application may be accepted. In making this determination the Tribunal will give regard to the age of the Applicant at the time of the alleged act of violence, whether the Applicant is intellectually disabled or mentally ill; or whether the person who committed/is alleged to have committed the act of violence was in a position of power, influence or trust in relation to the applicant.

### **How can we assist you?**

We are very understanding of the needs of all Victims of Crime. If you are a Victim of Crime, we would suggest that if you have not already done so, as a first point of call for immediate assistance, that you telephone the Victims of Crime Helpline on 1800 819 817. Staff at the helpline can provide information, advice and referrals by phone.

At Chinka (HEP) Steel we can assist and guide you through the process of applying for assistance through VoCAT. This includes assisting with drafting your initial Application, communicating and coordinating with your Psychologist in the event that you have suffered psychological damage, preparing your Statement of Claim, Statutory Declaration and accompanying paperwork and representing you at any subsequent Tribunal Hearing.

In situations meeting the Tribunal's criteria, we are able to seek interim awards for initial assistance, while you focus on your recovery.

We are experienced in Applications for Primary, Secondary and Related Victims and can assist you with setting out to the Tribunal what assistance you require to aid in your recovery and also for Applications involving loss of income.

We are at all times sympathetic and understanding of your needs and available for assistance.

We understand that you will have gone over your unpleasant ordeal to Police Officers and various other professionals prior to meeting with us. It is not our role to have you relive your experience all over again in detail, but instead to assist you with the VoCAT process in your road to recovery.