

Application for Financial Assistance (Approved Form AF2003-3)

Explanatory Notes

This document contains information to help you fill out the form for financial assistance. You can obtain an Information Pack from the ACT Magistrates Court, which contains the application form and other relevant forms and helpful information. The application form should be used if you are making an application for financial assistance under the *Victims of Crime (Financial Assistance) Act 1983* (the Act) and you are:

- A **primary victim** - a person who was injured as a result of a violent crime or while assisting a police officer in relation to a crime;
- a person **responsible for the maintenance** of a primary victim;
- A **related victim** - a person who was a close family member, a dependant, or in an intimate personal relationship with the primary victim at the time of the primary victim's death; or
- An **eligible property owner** - a person whose property was damaged while assisting the police in relation to a crime.

Time limits

The application form should be completed and returned to the Magistrates Court within 12 months of the date of the injury or property damage. The Court may agree to an extension of time beyond the 12 months. To seek an extension of time you will need to complete and submit a *Notice of Motion* form and an *Affidavit* explaining why you seek the extension (including information about why you did not apply within 12 months of the injury occurring). These forms can be found in the Information Pack.

Who is eligible?

To obtain financial assistance under the Act the injury must have occurred in the ACT and have been reported to the police. The injury, whether physical or mental, must have been caused by a violent crime, or while assisting a police officer in relation to a crime. Financial assistance may be granted for expenses such as medical or dental treatment, loss of wages, the costs of making an application (other than legal costs), or other expenses reasonably incurred as a consequence of the injury eg. damage to clothing.

Financial assistance may also be awarded for property damage that occurred while a person was assisting a police officer in the course of that officer's duties relating to the prevention or commission of a crime.

Special Assistance

The Court may award payments for special assistance to certain victims of crime. Section E of the form should be completed and details attached if you are:

- a police officer, ambulance officer or firefighter who sustained a criminal injury in the course of performing your duties;
- a sexual offence victim;
- a person whose injury is an extremely serious injury; or
- a related victim.

An extremely serious injury generally means a permanent physical or mental impairment or loss of a bodily function that is extremely serious. Such an injury is regarded as extremely serious if it greatly and permanently reduces the victim's quality of life and cannot be alleviated by medical treatment.

A victim applying for financial assistance for an extremely serious injury is first required to obtain any assistance reasonably available from the Victims Services Scheme, unless the person is physically incapable of benefiting from the scheme.

Applying on behalf of minors and others

If the primary victim is a child or a person under a legal disability, the application for financial assistance will need to be made on their behalf. A person under a legal disability is a person who is unable to complete an application due to a mental incapacity, or is otherwise unable to manage his or her own affairs. If you are making such an application as a parent or guardian you will also need to complete the form "*Undertaking by person to be appointed next friend*" which can be found in the Information Pack.

Responsible persons and related victims

If you are applying in your own right for the recovery of expenses as a person responsible for the maintenance of a primary victim, as well as financial assistance on behalf of the primary victim, you should make two separate applications.

If you are applying as a person responsible for the maintenance of a primary victim, or as a related victim, a completed photocopy of your application must be given to each person whom you believe is also entitled to financial assistance under the Act. Such people may be other persons responsible for the maintenance of the primary victim, or other related victims.

Statutory declaration

You must sign the application. You are also required to complete a statutory declaration in support of your application. You must give a true and accurate account of what happened and what the consequences were. Care should be taken as there are penalties for deliberately making a false statement in a statutory declaration. If you are a person responsible for the maintenance of a primary victim or a related victim, you must also describe your relationship with the primary victim. A statutory declaration form may be obtained from a newsagency or the Magistrates Court. Details about who may witness the statutory declaration are on the back of the form.

Checklist

Below is a checklist to help you ensure that all relevant documents are attached to your application. Please make sure that you have these documents (as appropriate) before filing your application at the Magistrates Court. If any documents are not available to you at the time of lodging your application, please attach a covering letter advising of this.

- ☐ Application Form
- ☐ Statutory declaration
- ☐ Medical report(s)
- ☐ Police statement(s)
- ☐ Any receipts, invoices or quotes for any expenses covered by this application
- ☐ Statement/s from witnesses or other persons
- ☐ Any document showing any sum received for damages arising from the injury or property damage
- ☐ Any document showing moneys received under another law eg. Workers compensation award; Insurance payment; Social Security pension or allowance
- ☐ Where special assistance for an extremely serious injury is being sought a statement from the Victims Services Scheme about the assistance obtained, or if the victim is physically not able to benefit from the scheme, a statement giving reasons why.

Please lodge your completed application form and supporting documents with:

*The Registrar
ACT Magistrates Court
Ground Floor
Knowles Place
Cnr London Circuit & Northbourne Ave
Canberra City*

or send by post to:

*The Registrar
ACT Magistrates Court
GPO Box 370
Canberra City 2601*

What Happens Next?

Within 14 days after your application is filed the Registrar will:

- (a) send a copy of the application, statutory declaration and each accompanying document to the ACT Government Solicitor; and
- (b) give a written notice to you (or the person for whom financial assistance is sought) and to the ACT Government Solicitor fixing a date, time and place for the application to be heard.

Assistance with form

If you need help to fill out the form you may wish to seek legal advice from a solicitor or the ACT Legal Aid Office. The Magistrates Court and the Office of the Victims of Crime Co-ordinator can assist with general enquiries but they are not able to provide legal advice. Other victims of crime services may also be able to assist. A Victims of Crime Helpcard with useful contact numbers is in the Information Pack that is available from the Magistrates Court.