

## Victims Of Violent Crime

### What Can I Do If I Am The Victim Of Violent Crime?

Report the crime to the Police. If it is an emergency, call 000. Otherwise, you can either go to the nearest police station or call 131 444.

If you have been the victim of a sexual offence, call the Sexual Assault Resource Centre 24 hour emergency hotline on 08 6458 1828 or 1800 199 888, or visit [www.kemh.health.wa.gov.au/services/sarc](http://www.kemh.health.wa.gov.au/services/sarc)

### Do I Have To Report The Crime To The Police?

You do not have to report the crime to the Police. However, if you do not report the crime and cooperate with the Police, you may not be compensated for the injury or loss you have suffered.

### What Happens After I Report A Crime To Police?

Depending on the seriousness of the crime, the Police may wish you to give them a detailed statement. The Police may or may not investigate the crime.

### What Happens If The Police Charge A Person With The Crime?

If a person is charged, then he/she (now called the accused) may have to attend court.

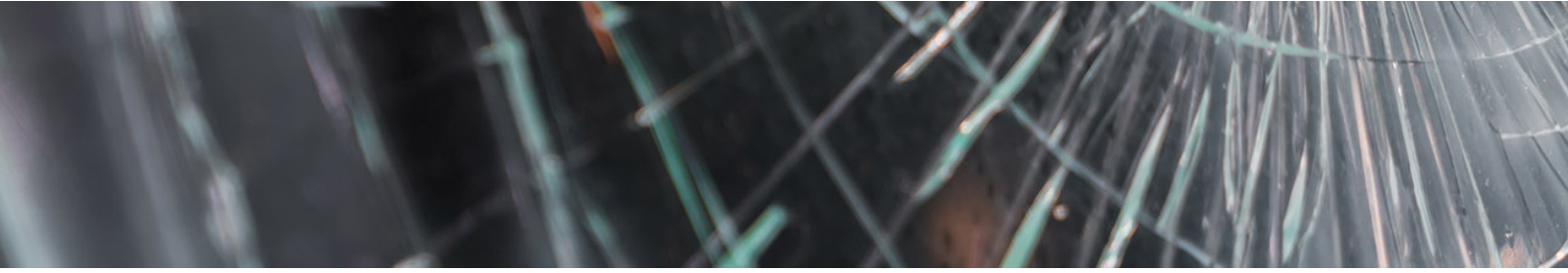
If the accused is under the age of 18, the Police may issue them with a Police 'caution', refer them to the Juvenile Justice Team, or require them to attend the Children's Court.

If the accused is 18 years old or over, they may appear in the Magistrates Court and, depending on the seriousness of the charge, the matter may either stay in the Magistrates Court or be dealt with in the District Court or Supreme Court.

### What Is My Role Once Charges Are Laid?

A criminal offence against a person or their property is considered to be an offence against the State of Western Australia or the Commonwealth of Australia (depending on the charge). This means that in criminal matters, the State or Commonwealth is listed as the other party rather than the victim.

If you are the victim of a crime, you cannot get the charges dropped once they are laid unless the State or Commonwealth agree. Your role is that of witness for the State or Commonwealth.



## What Happens If The Accused Pleads Guilty?

If the accused pleads guilty, you will not have to go to court. You can attend as a member of the public to observe the sentencing if you wish. You may be asked to provide the Judge with a written Victim Impact Statement.

## What If The Accused Pleads Not Guilty?

If the accused pleads not guilty, the matter will be set down for a trial at a later date.

You may have to attend court on the day of the trial to give your account of what happened. You will be served with a witness summons. If this happens to you, you must attend on the days stated in the summons, regardless of your age. If you fail to turn up to court, you can be charged with an offence.

## What If I Am Going To Be Overseas During The Trial Date?

If you are not going to be able to attend on the court day and have a good reason, you must let the police officer in charge of the case know as soon as possible as they may have to get a new trial date.

## I Am Scared. Can I Get Out Of Going To Court?

If the trial is in an adult court and you are under the age of 18, then an application can be made to the court for you to give your evidence in a separate room. You are also entitled to have a support person next to you when you give your evidence.

If the accused is a child then you will have to give evidence in the Children's Court. If you feel unsafe attending the court with the accused present, you can let the Police know and sit in a separate room for police witnesses.

A vulnerable witness can give evidence by video from another room in the court, which can be arranged by the Prosecutor.

## If The Accused Is Found Guilty, Do I Have A Say In The Sentence They Receive?

As a victim, you can prepare a Victim Impact Statement for the court, which will tell the Judge how the crime has affected you. However, you will have no say as to what sort of punishment or sentence the offender should receive. The Judge will decide on the sentence by taking into account many factors, including but not limited to the impact of the crime on you.



## What Can I Do If The Accused Is Found Not Guilty?

There may not have been enough evidence to find the accused guilty beyond a reasonable doubt.

However, in some circumstances you can still apply for criminal injuries compensation even if the accused is found not guilty. If there is enough evidence to find the accused guilty on the balance of probabilities, you can also consider taking civil action against the accused to recover for injury, damage or loss. You would need to get legal advice about this.

## How Can I Find Out What Is Happening With The Case?

You can ask the investigating police officer to keep you informed. Alternatively, as a victim of crime, the Victim Support Service can keep you informed about the progress of the matter.

## Can I Get Compensation From The Offender For Injury, Damage Or Loss?

If the accused (called the offender if found guilty) is under 18 and was referred to the Juvenile Justice Team or referred for Court Conferencing, then a meeting will be held that you or your parents can attend. At this meeting, an agreement can be made for the offender to repay you for the loss you have suffered.

Victim-Offender Mediation is another way a victim can have their issues investigated and have conditions such as a compensation agreement put in place.

For example, if your teeth were broken as a result of the crime, the offender may agree to contribute to the cost of dental treatment. This might not be enough to cover your losses, in which case you would seek other available remedies. You should seek legal advice about your own particular situation.

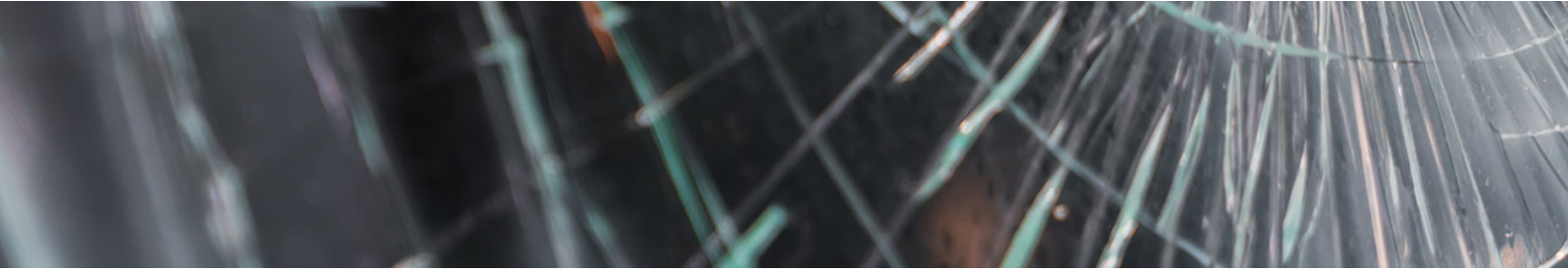
You may be able to take civil action against the offender to recover costs and damages for personal injury. Civil action against another party can be costly and would be pointless if the offender is not insured or does not have any income or assets with which to make payment to you. You should seek legal advice to determine whether legal action is likely to be successful based on the facts of your case.

## What Other Forms Of Compensation Are There?

Criminal Injuries Compensation is an application of last resort. If there are other avenues for gaining compensation these must be pursued first.

If the crime involved a motor vehicle, you can make a claim with the Insurance Commission of WA. For more information, visit [www.icwa.wa.gov.au](http://www.icwa.wa.gov.au), click Compulsory third party and then Personal injury claim.

If the crime happened while you were at work, you may be able to make a claim for workers' compensation. For more information, visit [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) and click on Workers.



## What Is Criminal Injuries Compensation?

In certain circumstances, victims or secondary victims of crime can apply for compensation from the WA government, where the crime results in:

- Injury, meaning bodily harm, mental and nervous shock or pregnancy.
- Loss of personal items damaged as a result of the crime, such as clothing, footwear, glasses, etc.
- Medical expenses and future medical expenses, including the cost of medical reports.
- Loss of earnings and future loss of earnings.
- Funeral expenses and/or loss of financial support.
- Travelling expenses relating to injury, such as getting to and from medical appointments.

## Who Can Apply For Criminal Injuries Compensation?

You can apply for criminal injuries compensation if you are:

- A victim of crime who suffered an injury, meaning bodily harm, mental and nervous shock or pregnancy.
- A person who was at the scene of a crime when it was committed or immediately thereafter, if someone was injured or died as a result of the offence.
- A parent or step-parent, if your son or daughter died as a result of a criminal offence.
- A close relative of a person who died as a result of a criminal offence, if the victim had been financially supporting you in some way.
- A close relative of a person who was hurt or died as a result of a criminal offence if you were living with the victim at the time.

## In What Circumstances Can I Apply?

You can apply for criminal injuries compensation where:

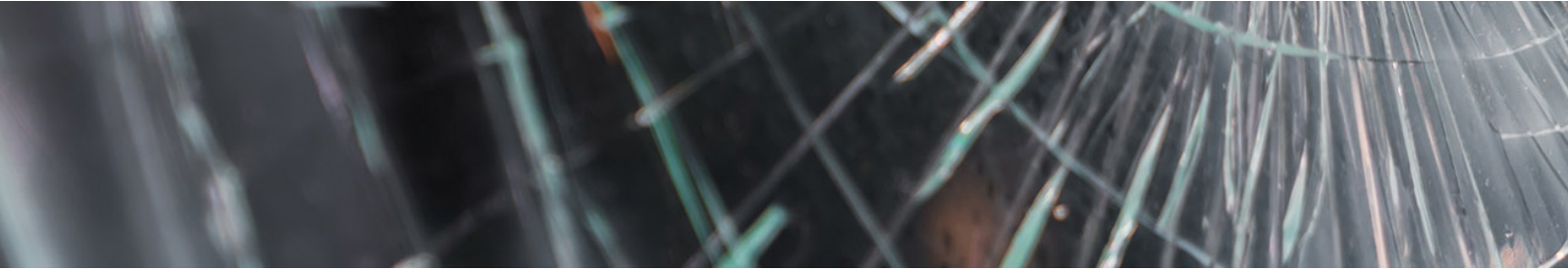
- A person is convicted of the offence.
- A person is acquitted, but the victim claims it was another person who committed the offence.
- A person is acquitted due to unsoundness of mind.
- The accused person is not mentally fit to stand trial.
- A person is charged but it is not proceeded with. This may occur if, for example, the accused person died, there is not enough evidence, the charge is withdrawn, etc.
- No person is charged with the offence.

## What Is The Maximum Amount I Could Be Awarded?

The amount awarded in criminal injuries compensation cases varies depending on the extent of the injury or loss. The maximum amount you can be awarded depends on when the offence occurred and how many offences occurred over time.

## Is There A Time Limit To Submit My Application?

You must lodge your application for criminal injuries compensation within three years of the incident date. You may be able to get an extension of time in certain circumstances.



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## How Can I Keep The Accused/Offender Away From Me?

If the accused is violent towards you, threatens you or your property, harasses you or intimidates you and you are concerned that it will continue, you can speak to the Police, who may impose bail conditions on the accused that he/she not contact you. If the accused disobeys this condition, they can be remanded in prison or detention until the matter is finalised.

If you continue to experience threatening behaviour after the matter is finalised, you can apply to have a restraining order taken out against the offender. If a restraining order is made and the offender disobeys the order, then they can be charged.

## More Information

Government of Western Australia, Victims of Crime: [https://www.victimsofcrime.wa.gov.au/A/about\\_us.aspx?uid=2460-2277-2132-8163](https://www.victimsofcrime.wa.gov.au/A/about_us.aspx?uid=2460-2277-2132-8163)

Criminal Injuries Compensation: <https://courts.justice.wa.gov.au/C/compensation.aspx?uid=1894-2822-6966-4703>

Commissioner for Victims of Crime: email [cvoc@justice.wa.gov.au](mailto:cvoc@justice.wa.gov.au) or phone (08) 9264 9877

Victim Support Services: email [vss@justice.wa.gov.au](mailto:vss@justice.wa.gov.au) or phone (08) 9425 2850

Child Witness Service: [https://courts.justice.wa.gov.au/c/child\\_witness\\_service.aspx](https://courts.justice.wa.gov.au/c/child_witness_service.aspx)

A Guide to Giving Evidence in court for young people: [https://courts.justice.wa.gov.au/\\_files/A\\_guide\\_to\\_giving\\_evidence.pdf](https://courts.justice.wa.gov.au/_files/A_guide_to_giving_evidence.pdf)

**Please note:** Laws are subject to change. Last updated July 2020.

**Important:** The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.