



Financial Assistance Scheme Guidelines

These Guidelines are made by the Scheme Decision Maker pursuant to section 58 of the *Victims of Crime (Financial Assistance Scheme) Act 2022* (the Act) as an aid to the performance of functions under the Act or any other matter related to the scheme for providing assistance under the Act.

Nothing in these Guidelines supersedes or overrides the requirements of the Act.

These Guidelines have effect from 18 November 2024.



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Victims of Crime Financial Assistance Scheme

15 October 2024

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1. Introduction and purpose

Under section 58 of the *Victims of Crime (Financial Assistance Scheme) Act 2022 (the Act)*, the Financial Assistance Scheme (FAS) CEO can make, vary, and revoke guidelines for the performance of functions under **the Act** or for any other matter related to the FAS for providing **assistance**.

The Act makes these guidelines binding on all FAS staff. When making decisions about financial **assistance**, FAS assessors must consider and apply these guidelines. The FAS must make decisions 'on the balance of probabilities.' The balance of probabilities is a common legal test which means 'more likely than not' based on the material available. These guidelines should be read with **the Act** and regulations including the Victims of Crime (Financial Assistance Scheme) Regulations 2024, it does not override what **the Act** says.

These guidelines will be reviewed and updated periodically as required.

1.1 Terms used by these guidelines

The FAS recognises that there are many terms that are used to describe people who have lived experience of crime and are dealing with its impact and consequences. These can include victim, victim-survivor or affected **family member**, among other terms. Some people identify with these terms and some people do not. These guidelines use the terms '**victim**' and '**applicant**'. The FAS recognises that for some people, these may not be the preferred terms. These guidelines use these terms because they are the legal terms used in the Act.

In using the terms '**victim**' and '**applicant**', the guidelines in no way diminish the strength, identity or diversity of people who have experienced crime. Instead, the guidelines recognise that the experience of crime victimisation does not define a person as a victim beyond that context. The guidelines similarly acknowledge the experience of victims of crimes which are not 'violent crimes', such as property crimes, and recognises their experience.

The terms '**applicant**' and '**victim**' can also refer to the same person or they may refer to different people depending on the circumstances. A **victim** is the person who experienced the violent act personally. The term '**applicant**' means a person who is applying to the FAS for **assistance**, this could be a lawyer or another representative who is authorised to apply to the FAS on behalf of a **victim**.

1.2 Examples used in these guidelines

The examples and scenarios used throughout these guidelines are to assist with understanding a specific topic within the guidelines and should be read in the context of the topic in which they appear. They are not to be taken as a reflection of an **applicant's** eligibility or ineligibility for the FAS or of an **applicant's** entire application and circumstances.

1.3 FAS guiding principles

When making decisions about financial **assistance**, the FAS will always have regard to its guiding principles as set out under **the Act**. These principles are that:

- the scheme should support victims' wellbeing and dignity
- victims should be protected from further trauma, intimidation, or distress
- the needs of victims, including their safety and wellbeing, are of paramount importance
- the needs of victims may vary

- the scheme should be accessible and flexible in providing **assistance** to victims, and
- the scheme should promote cultural safety for victims of Aboriginal or Torres Strait Islander descent, which includes acknowledging:
 - Aboriginal and Torres Strait Islander people as descendants of Australia's first people
 - that Aboriginal and Torres Strait Islander people have been disproportionately affected by the criminal justice system in a way that has contributed to criminalisation, disconnection, intergenerational trauma and entrenched social disadvantage, and
 - that victims of Aboriginal or Torres Strait Islander descent have cultural rights and familial and Aboriginal community connections relevant to financial **assistance** provided by the FAS.

2. Key terms

Bolded terms in these guidelines are defined terms. These guidelines will use the following terms unless specified otherwise:

Term	Meaning
Additional evidence	Evidence that an applicant should provide if they do not have any of the recommended evidence and this evidence is available to them. Applicants may also want to include this evidence to further support their application if the applicant is asking the FAS to exercise discretion when making decisions or to help explain something complex with their application.
Applicant	A person who applied to the FAS for financial assistance . An applicant could be a victim of crime, someone applying for funeral expenses, or their authorised representative.
Assistance	Financial assistance paid by the FAS.
Assistance cap	The maximum amount of assistance which the FAS can pay a victim under the Act .
Assistance type	The different types of financial assistance available from the FAS. For example, assistance for counselling or medical expenses, or special financial assistance.
Assisting authorities	Providing reasonable assistance to any person or body investigating the violent act or providing reasonable assistance with the arrest or prosecution of an offender .
Attitude	A feeling or opinion about something or someone, or a way of behaving.
Authorised representative	A person authorised by a victim (such as a lawyer) or another legal arrangement (such as a guardianship order or power of attorney) to apply to the FAS and to communicate decisions in relation to that application to the

	FAS on behalf of that victim or make decisions on behalf of a victim where appropriate.
Award	An award of assistance paid by the Victims of Crime Assistance Tribunal (VOCAT). The FAS uses the term 'award' to refer to any award of assistance made by VOCAT but uses the term ' assistance ' to refer to assistance paid by the FAS.
Behaviour	The way a person acts in a particular situation or under particular conditions.
Child abuse	The guidelines use the definition of 'child abuse' from the <i>Child Wellbeing and Safety Act 2005</i> , which is: <ul style="list-style-type: none"> • any act committed against the child involving a sexual offence or grooming • physical violence or serious emotional or psychological harm against the child, or • serious neglect of the child.
Close family member	Someone who had a genuine personal relationship with the primary victim at the time of their death <u>and</u> was also their: <ul style="list-style-type: none"> • spouse or domestic partner • parent, guardian or step-parent • child, step-child or child through guardianship, or • sibling or step-sibling. <p>A close family member can also be someone who the primary victim considered to be a close family member at the time of their death as determined by the circumstances of their relationship. This could include Aboriginal kinship relationships and chosen families.</p>
Criminal act	An act or failure to act that is a relevant offence under the Act. This includes acts that would be a relevant offence even where the person is not criminally responsible for the offence because of age, mental impairment or a lawful defence. This includes where the offender is a child under the minimum age of criminal responsibility or has been found not guilty because of mental impairment.
Decision making capacity (otherwise known as 'legal capacity')	Has the same meaning as section 5 of the <i>Guardianship and Administration Act 2019</i> . It means the ability or capacity of a person to: <ul style="list-style-type: none"> • understand information relevant to life decisions and the effect of that decision • retain that information to the extent necessary to make a decision • use or weigh that information as part of the process of making a decision, and

	<ul style="list-style-type: none"> communicate the decision and the person's views and needs as to the decision in some way, including by speech, gesture or other means.
Dependant	<p>Means a person who:</p> <ul style="list-style-type: none"> was wholly or substantially dependent on the primary victim's income at the time of their death, or would have been so dependent if not for the primary victim's incapacity due to the injury from which the person passed away, or is a child of the primary victim, born after the primary victim's death, who would have been a dependant if born before the primary victim's death. <p>For example, if a partner was dependent on the income of a primary victim who passed away as a result of the violent act, they would likely be a dependant.</p>
Exacerbation	The worsening of pre-existing symptoms, injury or illness either from actual physical harm or psychological or psychiatric harm.
External review	When an applicant appeals a decision made by the FAS to the Victorian Civil and Administrative Tribunal (VCAT). In most cases, an applicant must first apply for an internal review at the FAS before they can apply to VCAT.
Family member	<p>For the purposes of the definition of 'family violence' in these guidelines, family member has the meaning as defined in the <i>Family Violence Protection Act 2008</i>.</p> <p>For the purposes of these guidelines, this means a person who:</p> <ul style="list-style-type: none"> is, or has been, the victim's spouse or domestic partner has, or has had, an intimate personal relationship with the victim is, or has been, a relative of the victim is a child who normally or regularly resides with the victim or has previously resided with the victim on a normal or regular basis is a child of a person who has, or has had, an intimate personal relationship with the victim, or is someone who the victim regarded as being like a family member, having regard to the circumstances of the relationship.
Family violence	<p>Family violence in these guidelines has the meaning as defined in the <i>Family Violence Protection Act 2008</i>.</p> <p>This is behaviour towards a family member that is:</p> <ul style="list-style-type: none"> physically abusive sexually abusive emotionally abusive

	<ul style="list-style-type: none"> • psychologically abusive • economically abusive • threatening • coercive, or • behaviour that controls or dominates the family member in any other way and causes them to fear for their safety or that of someone else. <p>Family violence can also be behaviour that causes a child to hear, witness or be exposed to the effects of other types of family violence.</p>
FAS variation	A variation of assistance that was provided by the FAS.
Health Service Provider	<p>An organisation that provides a health service and holds health information.</p> <p>Some examples of a health service provider include a general practitioner or medical practitioner, a blood bank, a private hospital, a private aged care centre, a dentist, a pharmacist or a drug and alcohol service.</p>
Incurred	<p>These are expenses or services that have already been paid for by the applicant.</p> <p>These expenses include funeral expenses, counselling services, medical expenses, loss or damage to clothing, safety-related expenses, recovery expenses and other expenses.</p>
Injury	<p>Injury in these guidelines means:</p> <ul style="list-style-type: none"> • physical harm • psychological or psychiatric harm • exacerbation of a pre-existing injury constituted by actual physical harm or psychological or psychiatric harm • a combination of physical, psychological or psychiatric harm or exacerbation of a pre-existing injury, or • any trauma associated with the violent act which the FAS determines is an injury. <p>Injury does not include an injury that arises from loss of or damage to property.</p>
Intellectual disability	<p>Has the same meaning as in the <i>Disability Act 2006</i> which defines this to be, in relation to a person over the age of five years:</p> <ul style="list-style-type: none"> • the concurrent existence of significant sub-average general intellectual functioning, and • significant deficits in adaptive behaviour each of which manifested before the age of 18 years.
Internal review	When an applicant asks the FAS to take a fresh look at their application to make sure the FAS made the right decision.

Intimate personal relationship	<p>Means a relationship that the FAS considers intimate due its circumstances that may be shown by:</p> <ul style="list-style-type: none"> • the extent to which each person was dependent on the other • the length of the relationship and frequency of contact • if there was an ongoing sexual relationship • emotional commitment, comfort, advice and support of a personal nature • involvement in each other’s personal lives, including sharing of confidences and intimacies • if the two people shared care of or support for children or other dependants, or • if the two people shared a mutual commitment to a shared life.
Investigating or prosecuting authorities	<p>Any person or body engaged in the investigation of the violent act or in the arrest or prosecution of any person by whom the violent act was committed or alleged to have been committed. This includes Victoria Police and the Office of Public Prosecutions.</p>
Legal costs	<p>Costs provided by the FAS to a lawyer for representing or assisting the applicant in relation to the initial application or variation.</p>
Likely to be incurred	<p>These are expenses or services that are expected to be paid for in the future by the victim.</p> <p>These expenses include counselling services, medical expenses, loss or damage to clothing, safety-related expenses, recovery expenses and other expenses.</p>
Mandatory evidence	<p>Evidence that the applicant must provide with their application as the evidence is either required by the Act and without this evidence the FAS will refuse the application, or the evidence is related to the cost of the assistance sought and is critical to processing the application.</p>
Mental illness	<p>Has the same meaning as in the <i>Mental Health and Wellbeing Act 2022</i>.</p> <p>Mental illness is a medical condition that is characterised by a significant disturbance of thought, mood, perception, or memory. The condition must have been diagnosed by a qualified mental health professional.</p>
Minor variation	<p>A variation of a VOCAT award which gives effect to the original intention of the VOCAT award.</p>
Offender	<p>The person (or persons) alleged to have committed the violent act against the victim. The FAS does not require the offender to have been convicted of or found criminally responsible for the violent act.</p>

Original decision	The earlier FAS decision being internally reviewed when an applicant requests a review of that decision.
Power of Attorney	A written authorisation to represent or act on another person's behalf in personal or financial affairs or some other matter.
Primary victim	<p>A person who is injured or passes away as a direct result of a violent act committed against them, or a child who is injured as a direct result of hearing or witnessing, or being exposed to the effects of, the violent act.</p> <p>A primary victim can also be someone trying to:</p> <ul style="list-style-type: none"> • arrest a person they reasonably believe has committed a violent act • prevent a violent act, or • aid or rescue a person they reasonably believe is a victim of a violent act.
Recommended evidence	Evidence that the applicant should provide in support of their application to show why they are eligible for assistance and why they need certain assistance . Without this evidence, the FAS may need to ask the applicant for further information to establish their eligibility, which will increase the time it takes the FAS to process the application.
Related acts	<p>Multiple criminal acts that are related to each other and dealt with together for the purposes of a FAS application. Criminal acts are related if they were against the same person, and:</p> <ul style="list-style-type: none"> • occurred at around the same time • were committed by the same person or people but occurred over a period of time, or • share some other common factor. <p>The FAS may decide not to treat criminal acts as related acts.</p>
Related victim	<p>A person who, at the time of the violent act, was a close family member, dependant or had an intimate personal relationship with the primary victim who passed away as a direct result of the violent act.</p> <p>For example, a parent of a primary victim would be a related victim.</p>
Relevant offence	Has the same meaning as section 3 of the <i>Victims of Crime (Financial Assistance Scheme) Act 2022</i> .
Reviewer	A more senior FAS staff member who was not involved in the original decision and remakes the decision about an application after an applicant requests an internal review .
Secondary victim	A person who is present at the scene of a violent act and who is injured as a direct result of witnessing that act. In other words, this may be a witness who

	watches a primary victim being assaulted. A secondary victim can also be a parent or guardian who is injured as a result of subsequently becoming aware of a violent act committed against their child who is a primary victim .
Serious injury	For the purposes of special financial assistance a serious injury is an injury (including the cumulative effect of more than one injury) that endangers life or is substantial and protracted.
Sexual offence	An offence in Subdivision 8A, 8B, 8C, 8D, 8E, 8F or 8FA of Division 1 of Part I of the <i>Crimes Act 1958</i> . This includes offences of rape, sexual assault, and sexual offences against children. A list of many of these offences is found in section 9.3 – relevant offences .
Significant adverse effect	For the purposes of special financial assistance, ' significant adverse effect ' is any grief, distress, trauma, or injury experienced or suffered by the victim because of the violent act . This does not include any loss of or damage to property.
Substantive variation	A variation of a VOCAT award which is not a minor variation and instead requests a new type of assistance .
The Act	The <i>Victims of Crime (Financial Assistance Scheme) Act 2022</i> .
Very serious physical injury	For the purposes of special financial assistance, actual physical bodily harm that is permanent or of long-term duration and involves: <ul style="list-style-type: none"> • loss of a bodily function • disfigurement of a part of the body • total or partial loss of a part of the body • loss of a foetus • loss of fertility, or • infection with a life-threatening disease.
Victim	A person who has experienced a violent act and is eligible to apply for assistance from the FAS.
Violent act	A criminal act , or a series of related acts , committed by one or more persons, that has occurred in Victoria, and directly resulted in injury to or the death of one or more persons, regardless of where the injury or death occurred. In the Act, a violent act is known as an 'act of violence'.
VOCAT	Victims of Crime Assistance Tribunal.
VOCAT variation	A variation of an award made by VOCAT .

3. Time limits to apply

There are important time limits to consider in submitting a FAS application. Time limits differ depending on the **victim's** age and the type of [violent act](#).

Times limits are calculated from when the **violent act** occurred. If a victim experienced more than one [related act](#), the time limit is calculated from the date of the last related act. It does not matter if the **violent act** occurred before the FAS started.

The FAS must be satisfied that a **violent act** has occurred before paying **assistance**. The FAS requires all **applicants** to include information in their application about when the **violent act** occurred. The FAS will use this information to confirm that the **violent act** occurred. If an application includes multiple **related acts**, an **applicant** must include details in their application about the dates, or approximate dates, of each different incident.

Applicants should include all **related acts** in their application as the FAS cannot pay **assistance** in relation to **related acts** which are not included in an application.

3.1 Time limits for primary, secondary and related victims

A [primary victim](#) is a person who is injured or passes away as a direct result of a **violent act** committed against them. A [secondary victim](#) is a person who is present at the scene of a **violent act** and who is injured as a direct result of witnessing that act, or a parent or guardian of a child victim. A [related victim](#) is a person who was a **close family member**, a **dependant**, or had an **intimate personal relationship** with a loved one who passed away because of a **violent act**.

Applicants should read further details on the topics relevant to them to understand more about the definitions of primary, secondary, and **related victims**.

[Primary victims](#), [secondary victims](#), [related victims](#) and **applicants** for [funeral expenses](#) must apply to the FAS within the following time limits:

Age of victim at the time of the violent act	Nature of violent act (bolded terms are defined in the key terms).	Time limit to apply
Adult (18 years old or over at the time of the violent act)	<ul style="list-style-type: none"> • Sexual offence • Family violence 	<u>10 years</u> from the date of the last violent act
Adult (18 years old or over at the time of the violent act)	<ul style="list-style-type: none"> • All other types of offending (not involving sexual offences or family violence) 	<u>3 years</u> from the date of the last violent act
Child (younger than 18 years)	<ul style="list-style-type: none"> • Child abuse • Family violence 	<u>No time limit</u> to apply
Child (younger than 18 years)	<ul style="list-style-type: none"> • All other types of offending (not involving child abuse or family violence). 	Applicant must apply <u>before turning 21 years old</u>

Eligible for the FAS

Example: Ingrid is a victim-survivor of **family violence** perpetrated by her ex-partner. Ingrid experienced multiple assaults by her partner since she was 18 years old. The last assault occurred on 26 October 2022. Ingrid has 10 years from the date of the last **violent act** (until 26 October 2032), to apply to the FAS for **assistance** because the **violent act** involved **family violence** and the time limit is calculated from 26 October 2022. Ingrid applies to the FAS for financial **assistance** on 18 May 2027 and is within the time limits.

3.2 Out of time applications

The FAS can consider applications made outside of the normal time limits.¹ **Applicants** applying for **assistance** outside of the relevant time limit must provide details in their application explaining why their application was made out of time. Evidence requirements are explained further below.

When deciding whether to accept an out of time application, the FAS must consider the reasons why the **applicant** made the application out of time. These reasons as outlined in the Act could be:

- the age of the victim at the time of the **violent act**
- whether the victim has an **intellectual disability** or a **mental illness**
- whether the **offender** was in a position of power, influence or trust in relation to the victim
- the physical or psychological effect of the **violent act** on the victim
- whether the victim has or had a medical or psychological condition that affected their ability to apply for **assistance**
- the nature, dynamics and circumstances of the **violent act**, including whether it occurred in the context of a pattern of abuse, **family violence** or **sexual offences**
- whether the victim is homeless or has experienced homelessness
- the length of time taken to finalise any legal proceedings (such as criminal prosecutions) related to the **violent act**
- whether the delay in making the application compromises the FAS's ability to make a fair decision on the application, or
- any other circumstances that are relevant to the application being made out of time.

For the FAS to consider an application out of time, an **applicant** must provide evidence or information that explains and shows the reasons for the delay.

Eligible for the FAS

Example: Patrick was the victim of an assault by a stranger on the street in 2022. Under the time limits of the FAS, Patrick had until 2025 to apply to the FAS as he is an adult, and the three-year time limit applies to his circumstances. Patrick applies to the FAS for **assistance** in 2027, this is two years out of time. To support his application to the FAS, Patrick provides court documents showing that the criminal trial for the assault concluded in 2027 and a medical report showing recovery difficulties as his reasons for the delay in applying to the FAS. Based on this evidence, the FAS extends the time for Patrick to apply.

¹ Section 24 of the Act.

❌ Not eligible for the FAS

Example: Sammy was the victim of a robbery in 2024 when they were 30 years old and at the time they received legal advice about their options, including the available support they could access and when they would need to put in an application. Sammy decided not to put in an application and moved overseas to live abroad for five years in order to be close to family. When Sammy returned to Australia they decided to apply for **assistance** from the FAS, however their application was two years out of time. Sammy did not provide any reasons as to why they did not put in an application at the time so the FAS cannot extend the time for Sammy to apply for **assistance**.

Out of time applications - supporting evidence requirements

Mandatory evidence

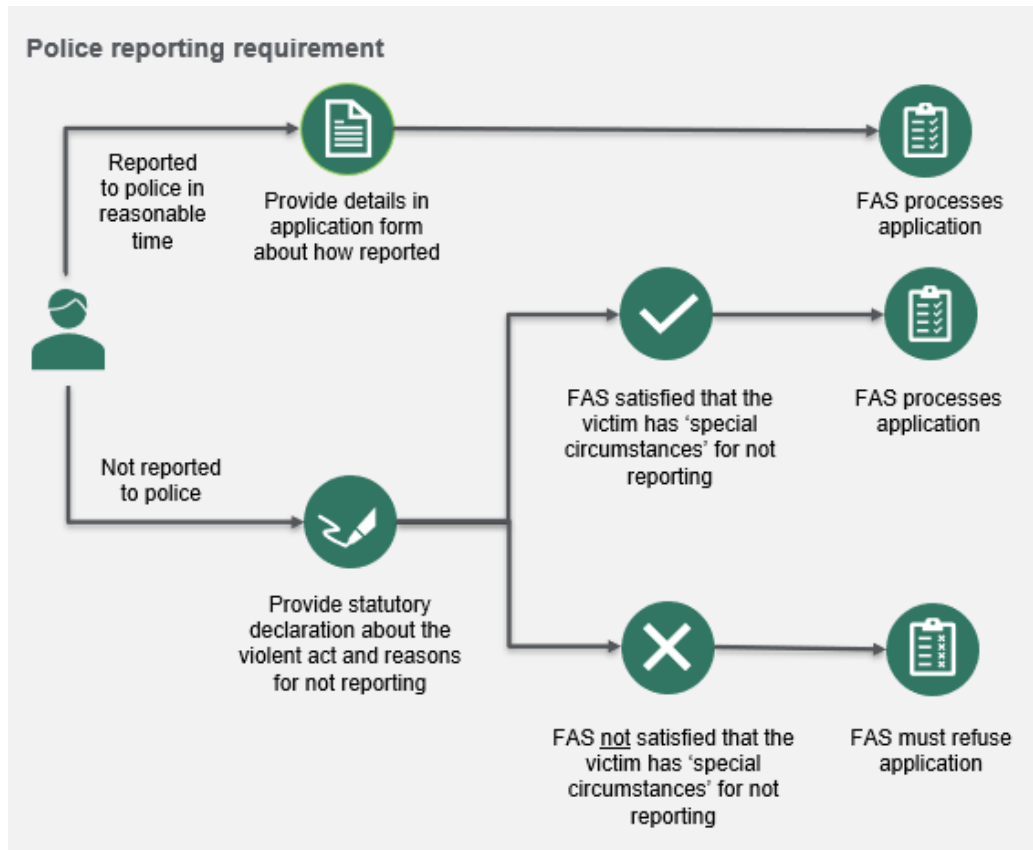
Applicants must provide information in their application form about the reasons for the delay in applying to the FAS.

Additional evidence

Applicants may want to consider providing additional documents supporting their out of time application. These documents could include:

- medical records
- report or letter by a medical practitioner
- report or letter by a mental health practitioner
- report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service)
- statutory declarations or letters from witnesses, **family members**, friends, colleagues, teachers and religious or cultural leaders who are aware of the **violent act** and its impact on the **applicant** and the delay in applying
- a statutory declaration signed by the victim explaining the reasons for the delay in applying
- court documents including judgments and sentencing remarks
- Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police explaining any delay in the arrest or prosecution of the **offender**
- statements made to police, or
- any other relevant document.

4. Reporting a violent act to police



The FAS requires **applicants** to provide information or evidence in their application form to show that a **violent act**:

- has been reported to police within a reasonable time, or
- was not reported to police within a reasonable time, but that the victim can identify '**special circumstances**' for not reporting the **violent act** to police.²

If an **applicant** does not have special circumstances for not reporting, the FAS must refuse the application.

The FAS must also refuse an application if the victim did not assist the police investigation or prosecution, unless they have **special circumstances**.

This section explains what **applicants** must do to show either:

- that the **violent act** has been reported to police within a reasonable time, or
- that they had special circumstances for not reporting the **violent act** to police or assisting investigative or prosecutorial agencies.

² Section 31(1)(a) of the Act.

4.1 Showing that a violent act was reported to police

Applicants will be asked to provide information in their application form about how and when they reported the **violent act** to police. The FAS uses this information to contact police. The FAS requests evidence from police about the **violent act**, which may include information about the **victim's injury**. Evidence requirements are explained further below.

There is more than one way to report a **violent act** to police and satisfy the FAS police reporting requirement. The victim or someone else can report the **violent act** to police by:

- attending a police station
- reporting directly to a police officer
- reporting online through a recognised Online Reporting function
- phoning 000, or
- phoning the Police Assistance Line.

If an **applicant** is seeking **assistance** for **related acts**, the mandatory reporting requirement applies to all **criminal acts** relevant to the application. If a victim has reported some **criminal acts** to police but not others, they must show in their application why they have **special circumstances** for not reporting those **criminal acts** to police.

Applicants can still include information in an application about other criminal acts that have not been reported to police where they are not relevant to a particular type of **assistance**. **Applicants** may choose to provide this information to the FAS for further context of their experiences.

If an **applicant** thought that the **criminal act** had been reported to police, but police do not have a record of the report, the FAS may notify the **applicant** of this and provide them with an opportunity to provide further information or evidence showing they reported the **criminal act** to police.

Police reporting - supporting evidence requirements

Mandatory evidence

Applicants must provide the following information in the application form:

- the name (or other details, such as VP number) of the police officer who the **violent act** was reported to
- details of the location of the police station the **violent act** was reported to
- the time and date on which the **violent act** was reported to police, or
- details of how the **violent act** was reported, including whether the **violent act** was:
 - reported in person, through the Victoria Police Online Reporting function or
 - Police Assistance Line, or
 - via calling Triple Zero.

Additional evidence

Applicants may want to consider providing additional documents to show the **violent act** has been reported to police. These documents could include:

- Notice to Victim form provided by the police when the incident is reported in person or by telephone to a police station
- email or letter correspondence or communication to the police informant

- acknowledgment receipt or notification with a police reference number for online reported crimes
- court documents including judgments and sentencing remarks
- Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police
- statement made to police, or
- Victim Impact Statement.

4.2 Police reporting within a reasonable time

A **violent act** must be reported to the police within a reasonable time. There is no specific time frame for reporting a **violent act** set by **the Act**. What is a 'reasonable time' to report will depend on the circumstances of the **violent act** and the **victim**.

The FAS will consider the **victim's** circumstances when deciding whether a **violent act** was reported to police within a 'reasonable time' including the following factors outlined in **the Act**:³

- the **victim's** age
- whether the victim has an **intellectual disability** or **mental illness**
- whether the **offender** was in a position of power, influence or trust
- whether the victim was threatened or intimidated by the **offender**
- the nature of the **victim's** injuries
- whether the **victim** is homeless or has experienced homelessness
- whether the **victim** had a medical or psychological condition affecting their ability to report to police
- nature, dynamics and circumstances of the **violent act**, including whether it occurred in the context of a pattern of abuse, **family violence** or **sexual offences**
- whether there was a significant delay between when a **violent act** occurred and when it was reported to police, and
- any other factors which may impact the time it took the victim to report to the police, including cultural reasons, concerns over not being believed, fear of reaction from the **offender** of the **violent act**, a fear of shame or stigma or previous trauma from interactions with the criminal justice system.



Eligible for the FAS

Example: Lesley was 10 years old when they were sexually assaulted by a teacher. Lesley disclosed the assault to family at the time but was told not to report to police. After accessing counselling support at 23 years old, Lesley decided to report the assault to police. Lesley applied to the FAS and explained in their application why it took them so long to report the **violent act**. The FAS accepted that Lesley had reported to police within a 'reasonable time' given their age at the time of the **violent act**, that it was a **sexual offence** and the position of power the **offender** had over Lesley at the time the offences occurred.

³ Section 32 of the Act.

❌ Not eligible for the FAS

Example: Jason was assaulted several years ago by a stranger when he was walking home. He recently decided to report his crime to the police so he could apply to the FAS. He could only provide the police with limited details about the incident given the time that had passed. The FAS did not accept that Jason had reported to police within a 'reasonable time'.

4.3 Special circumstances for not reporting

If a **violent act** has not been reported to police, the **applicant** must show that they have 'special circumstances' for not reporting before the FAS can consider the application.⁴ Evidence requirements for special circumstances are explained further below.

'Special circumstances' are not defined in **the Act** but means something 'out of the ordinary.' To decide this the FAS will look at factors such as:

- the **victim's** reasons for not reporting the **violent act** which may include a:
 - sense of shame, distress or trauma
 - fear of retaliation or further violence from the **offender** or their family, friend or associates
 - fear of criminalisation, or
 - fear of not being believed, fear of being blamed or a mistrust of authorities
- the **victim's** personal circumstances
- whether the **victim** reasonably thought that reporting to police would likely cause them harm
- the nature and dynamic of the offending, such as whether the **offender** was in a position of power, trust and influence over the victim, or
- whether the **victim** was a child at the time of the **violent act**.

The FAS will consider all of the reasons provided as to why a **violent act** was not reported to police. There may be a wide range of reasons and **applicants** should provide as much detail as possible in their application.

✅ Eligible for the FAS

Example: Jemima is a victim of **family violence** and was assaulted by her ex-husband from 2012 until 2016. Her ex-husband was threatening and controlling. In 2024, with support and encouragement from her support worker, Jemima applied to the FAS for **assistance** to help in her recovery journey. Jemima details in her application that she did not report her ex-husband's **violent acts** against her as she lived in constant fear of her ex-husband, who was in a position of power over her throughout the entire marriage. Jemima provides a statutory declaration, medical records showing multiple hospital attendances for injuries and a letter from a support worker confirming Jemima's experience. Based on the information Jemima provided, the FAS is satisfied that Jemima has special circumstances for not reporting and is eligible for **assistance**.

⁴ Section 31(2)(a) of the Act

❌ Not eligible for the FAS

Example: Deborah experienced a robbery while heading home from grocery shopping where the **offender** stole her shopping bag, pushed her and verbally threatened to punch her. Deborah did not want to report the robbery to police at the time but told her friend about the incident. A year later she moved interstate for work. Five years after the robbery, Deborah decided to move back to Victoria and wanted to apply to the FAS but she did not have a reason to explain why she did not report the robbery to police at the time. The FAS considers Deborah's application and decides that there were no special circumstances to explain why Deborah did not report the **violent act** to police.

✅ Eligible for the FAS

Example: As a young adult Eli was assaulted by a close family friend. Eli did not report the assault to either her family or the police at the time for fear of the **offender** and that it would impact her safety and relationship with her family. After acknowledging her mental health was suffering and being encouraged by a friend, she went to get some counselling. With help from her counsellor, Eli developed the courage to apply to the FAS. Due to her fear of the **offender**, the impact on her family relationships and shame she felt at the time of the incident, the FAS accepted that Eli had special circumstances for not reporting to police.

Special circumstances for not reporting – supporting evidence requirements

Mandatory evidence

Applicants must provide a statutory declaration explaining the circumstances of the **violent act** and the reasons for not reporting it to police.

Additional evidence

Applicants may want to consider providing additional documents supporting why they did not report to police. These documents could include:

- medical records
- report or letter by a medical practitioner
- report or letter by a mental health practitioner
- report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service)
- statutory declarations or letters from witnesses, **family members**, friends, colleagues, teachers and religious or cultural leaders
- other relevant court documents including judgments and sentencing remarks, or
- other relevant Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police.

4.4 Other reasons the FAS must refuse an application

Apart from the police reporting requirement, the FAS must also refuse an application if the **victim** failed to provide reasonable assistance to any organisation with responsibilities for investigating, arresting, or prosecuting the **offender**. This includes Victoria Police and the Office of Public Prosecutions.

This requirement does not apply to **victims** who did not report the **violent act** to police as there will be no investigation in this circumstance.

The FAS will not refuse an application if it is satisfied that the **victim** had '[special circumstances](#)' for not **assisting authorities** as outlined above in 4.3.

Applicants do not have to provide information or evidence with their application showing that they assisted authorities. If the FAS has information suggesting that the **victim** did not assist authorities, the FAS may contact the **victim** to request further information. The FAS will only consider refusing an application on this basis if:

- there is evidence that the **victim** obstructed or hindered an investigation, arrest or prosecution, and
- the **victim's** conduct was prejudicial to the criminal investigation or prosecution.

The FAS will also refuse an application for **assistance** if the FAS is satisfied that the:

- application was made in collusion with the **offender** or was made fraudulently which is an offence under **the Act**⁵
- victim was criminally responsible for the **violent act**, or
- victim has previously applied for **assistance** in relation to the same **violent act**.⁶

Before refusing an application, the FAS will notify the **applicant** of this and provide the **applicant** with an opportunity to provide further information or explanation.

⁵ Section 31(1)(b) of the Act

⁶ Section 31(1)(c) of the Act

5. Previous VOCAT applications

5.1 Eligibility to apply for the FAS as a previous VOCAT applicant

To be eligible for the FAS, an applicant must not have previously been a VOCAT applicant, in relation to the same **violent act**, where they:

- received a final award from VOCAT
- had their VOCAT application refused
- have a pending application still being processed by VOCAT, or
- received an interim award from VOCAT and withdrew their pending final application from VOCAT on or after the date the FAS commenced.

If an applicant has a pending VOCAT application, and an interim award has not been made, they are eligible to apply to the FAS if they first withdraw their VOCAT application. They still must apply within the FAS's time limits, unless they show reasons why they are applying out of time.

If the applicant has received an interim award from VOCAT and their final application is still pending, if they withdraw their VOCAT application:

- before the FAS commencement date, they can reapply to the FAS for the same violent act, or
- on or after the FAS commencement date, they cannot reapply to the FAS for the same violent act.

Previous VOCAT applications cannot be transferred to the FAS. The applicant must complete and submit a fresh application form through the portal.

5.2 VOCAT reports during the transition period

During the transition period, if an applicant has obtained a report for a VOCAT application and applied to the FAS instead, the FAS will pay for these reports in the following circumstances:

- the report would have reasonably been required to support the victim's VOCAT application if it had proceeded (and the report meets VOCAT's requirements)
- the report supports an assistance type that the victim is seeking from the FAS
- the report was prepared prior to the FAS's commencement date, and
- VOCAT has not already paid for the report.

Outside of this transition period, the FAS will only pay for a report it has requested and authorised.

6. Primary victims

A person who was [injured](#) because of a [violent act](#) is a **primary victim**.

Someone is a primary victim if:

- the crime was committed against them, or
- they are a child who saw, heard or were exposed to the crime, or
- they were injured trying to:
 - rescue another victim
 - stop a violent crime
 - arrest the person who committed the crime.



Primary victims must also satisfy the other eligibility requirements, including that their application is made within the [time limits](#) and the [violent act](#) was [reported to police](#).

The FAS will consider the evidence provided in the application and other evidence (such as information from Victoria Police) to establish that the person is a **primary victim**.

The different types of **primary victims** are:

Type of primary victim ⁷	Requirements	Example
A person who is injured or passes away because of a violent act.	There must be a direct link between the violent act and the victim's injury or them passing away. This means that without the violent act , the injury or death would not have occurred.	One night Hardeep's estranged brother came to his house and threatened to kill him. Hardeep was traumatised and developed anxiety because of this incident. Hardeep is a primary victim , as it was because of his brother's threats to kill him that he developed post traumatic stress disorder.
A child who hears, witnesses or is	The child must have suffered an injury as a direct result of:	Daisy is eight years old and lives with her mother. One evening, her father

⁷ Section 9 of the Act.

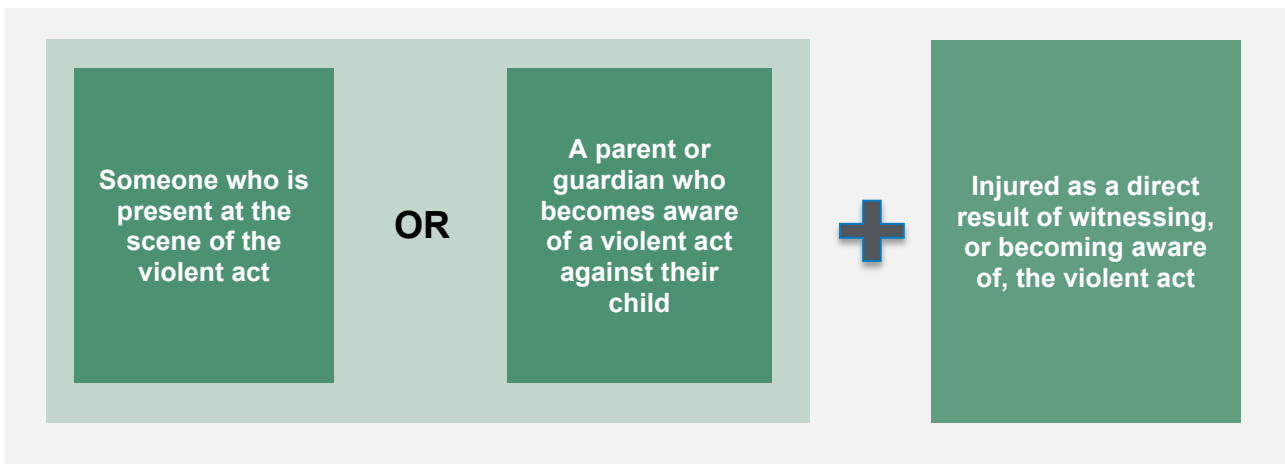
<p>exposed to the effects of a violent act.</p>	<ul style="list-style-type: none"> • overhearing the violent act taking place (even if they were in another room) • seeing the violent act taking place, or • being exposed to the violent act, this could mean they <ul style="list-style-type: none"> ○ comforted or provided assistance to a victim of a violent act ○ cleaned up after a violent act has taken place, or ○ were present when police attended a violent act. <p>This means that for a child to be a primary victim, the violent act does not have to be committed against them directly.</p>	<p>broke into their home. Daisy hid in another room but could hear her father assaulting her mother. Once he left, Daisy found her mother unconscious and called an ambulance. Daisy is traumatised and develops depression.</p> <p>Daisy is a primary victim because she is a child and heard and was exposed to the effects of a violent act.</p>
<p>A person who tries to aid or rescue a victim.</p>	<p>The person must have been trying to rescue or aid someone they reasonably believed was a victim of a violent act, either during or immediately after the violent act.</p> <p>There must be a direct link between them intervening in a violent act and the injury they suffered.</p>	<p>Mo was at home when he heard his housemate Lin yelling. Mo entered Lin's room and found a person assaulting her. Mo pulled the person off Lin and as a result he now suffers anxiety.</p> <p>Mo is a primary victim because he was psychologically injured while aiding Lin, who was being assaulted.</p>
<p>A person who tries to arrest a person or prevent a crime.</p>	<p>The person must be able to show that they tried to intervene in a violent act and were injured as a direct result of their efforts.</p> <p>When a victim tries to arrest someone, they must have reasonably believed that a violent act occurred, and that the person was the offender of that act.</p> <p>Someone who is injured trying to prevent a violent act <u>must show their actions were proactive</u> rather than accidental or incidental, such as placing themselves in a position of perceived and real danger.</p>	<p>Daniel saw an assault unfolding and rushed to intervene. Once he arrived, he physically restrained the offender until police arrived. As a result of the struggle with the offender, Daniel's previous back injury became exacerbated, and he now needs further surgery and treatment for this injury. Daniel is a primary victim because he tried to intervene in a violent act and was injured as a direct result of his efforts.</p>

7. Secondary victims

A person who is present at the scene of a [violent act](#) and who is [injured](#) as a direct result of witnessing that act is a **secondary victim**. Parents or guardians who are injured as a result of subsequently becoming aware of a **violent act** committed against their child are also **secondary victims**.

Secondary victims must also satisfy the other eligibility requirements, including that their application is made within the [time limits](#) and the [violent act](#) was [reported to police](#).

The FAS will consider the evidence provided in the application and other evidence (such as information from Victoria Police) to establish that the person is a **secondary victim**.



The different types of **secondary victims** are:

Type of secondary victim ⁸	Requirements	Example
A person who witnesses a violent act.	The person must: <ul style="list-style-type: none"> • be physically present at the scene of the violent act • have first-hand knowledge of the violent act by seeing or hearing it take place, and • be injured because of this. 	Lucy was with her sister when her sister was physically assaulted during a night out at a club. Lucy is affected by witnessing the assault on her sister and has developed anxiety. Lucy is a secondary victim as she witnessed her sister being assaulted and developed an injury (anxiety) because of this.
A parent or guardian of a child who is a victim of a violent act.	The child must be under the age of 18 at the time of the violent act and be eligible as a primary victim . ⁹	Colin is Ava’s step-father, and Ava is 15 years old. While away on a school trip, Ava was sexually assaulted by an unknown older man. When Colin learnt about the

⁸ Section 13 of the Act.

⁹ Section 13(2)(c) of the Act.

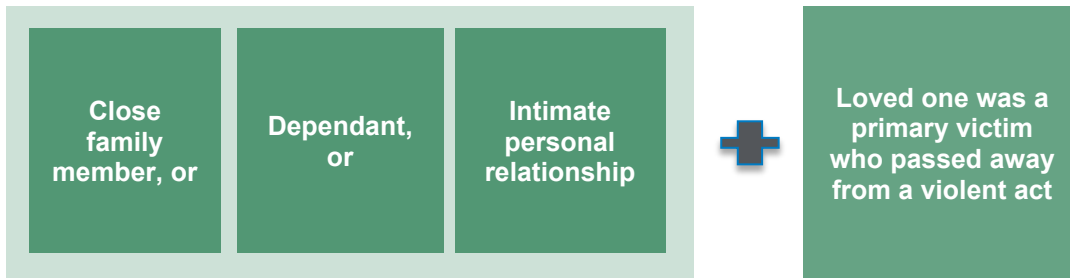
	<p>The parent or guardian must be injured as a direct result of becoming aware of the violent act against their child.</p> <p>Recommended evidence</p> <p>Applicants who are a parent or guardian of a child who is a primary victim of a violent act are recommended to provide one of the following documents as evidence of their relationship to the primary victim:</p> <ul style="list-style-type: none"> • birth or adoption certificate • guardianship documentation • foster care documentation • government document showing the relationship (such as Medicare or Centrelink documents), or • letter from a local Aboriginal community-controlled organisation. <p>A parent or guardian is someone who in relation to that child:</p> <ul style="list-style-type: none"> • is their biological parent • is their step-parent • is their adoptive parent • is their foster parent • is their guardian • is their kinship carer, or • has responsibility for the care, welfare, and development of the child (this could include Aboriginal kinship relationships).¹⁰ <p>A parent or guardian must become aware of the violent act after it occurred. This means that if a parent or guardian was aware of, or suspected the violent act was happening against their child at the time, and were in a position to intervene but did not, they are not eligible as a secondary victim. This does not apply when the parent or guardian was also a victim themselves.</p>	<p>attack on Ava, he developed depression and suffers anxiety whenever Ava leaves the house.</p> <p>Colin is a secondary victim as he is Ava's parent and he was injured after becoming aware of the offences committed against her.</p>
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¹⁰ See definition of 'parent' at section 3 of the Act.

8. Related victims

A person who was a **close family member**, a **dependant**, or had an **intimate personal relationship** with a loved one who passed away because of a **violent act** is a **related victim**.

The FAS will consider the evidence provided by the **applicant** and other evidence (such as information from Victoria Police) to show that a **violent act** occurred and to establish that they are a **related victim**. Evidence requirements for **related victims** are explained further below.



Related victims must:

- satisfy the other eligibility requirements, including that their application is made within the [time limits](#)
- provide evidence that they were either a **close family member**, a **dependant** or had an **intimate personal relationship** with their loved one
- provide evidence that their loved one was a [primary victim](#) who passed away from [a violent act](#).

The different types of **related victims** are summarised in the table below.

Type of related victim ¹¹	Requirements	Examples of evidence to show the nature of the relationship
A close family member of a deceased primary victim	<p>A close family member is someone who had a genuine personal relationship with their loved one at the time of their passing, and is a:</p> <ul style="list-style-type: none"> • spouse or domestic partner • parent, guardian or step-parent • child, step-child or child through guardianship, or • sibling or step-sibling. ¹² <p>A close family member can also be someone who the deceased</p>	<p>Recommended evidence</p> <p>Applicants who are a close family member are recommended to provide one or more of the following documents to show their relationship to the primary victim:</p> <ul style="list-style-type: none"> • birth or adoption certificate • guardianship documentation • foster care documentation • letter from a local Aboriginal community-controlled organisation • marriage or relationship registration certificates • government document showing the relationship (such as Medicare or Centrelink).

¹¹ Section 15 of the Act.

¹² See definition of 'close family member' at section 3 of the Act.

	<p>victim considered to be a close family member at the time of their passing, and that the FAS considers this reasonable given the circumstances of the relationship.¹³ This could include Aboriginal kinship relationships, extended families and LGBTIQ+ chosen families.</p>	<p>Additional evidence</p> <p>Applicants may want to consider providing additional documents showing their relationship as a close family member to the primary victim. These documents could include:</p> <ul style="list-style-type: none"> • statutory declaration detailing the relationship • statutory declaration or letter from other family members, friends, colleagues, teachers and religious or cultural leaders • Victim Impact Statement • documents showing shared accounts, addresses or details (such as bank statements, utility bills, rental agreements, home ownership documents) photos, social media posts, text messages, emails or any other record that provides context to the nature of the relationship, or any other document that shows the close family relationship between the applicant and their loved one.
<p>A dependant of a deceased primary victim</p>	<p>A dependant is someone who:</p> <ul style="list-style-type: none"> • was wholly or substantially dependent on their loved one's income at the time of their passing • would have been dependent on their loved one's income if it was not for their loved one's incapacity due to the injury which resulted in their passing, or • is a child born after their loved one's passing and who would have been a dependant.¹⁴ <p>When deciding whether an applicant is a dependant, the FAS will look at the circumstances of the relationship and:</p> <ul style="list-style-type: none"> • whether the applicant relied entirely on their loved one's income or to what extent they relied on their income, and 	<p>Recommended evidence</p> <p>Applicants who are a dependant are recommended to provide one or more of the following documents showing their financial dependency and relationship with the primary victim:</p> <ul style="list-style-type: none"> • documents showing payments or other benefits provided by the primary victim to the applicant • documents showing financial dependency through shared accounts, addresses or details (such as bank statements, utility bills, rental agreements, home ownership documents), or • details of beneficiaries (superannuation beneficiaries etc) showing financial dependency of the applicant. <p>Additional evidence</p> <p>Applicants may want to consider providing additional documents showing their financial dependency and relationship with the primary victim. These documents could include:</p> <ul style="list-style-type: none"> • a statutory declaration detailing the relationship and the applicant's reliance on the primary victim's income along with evidence of the income from one of the following:

¹³ Section 3(2) of the Act.

¹⁴ See definition of 'dependant' at section 3 of the Act.

	<ul style="list-style-type: none"> the circumstances of the relationship. 	<ul style="list-style-type: none"> letter from an employer detailing earnings of the primary victim, including how they were calculated tax returns of the primary victim for the three financial years before their passing and the financial years for the dependency claim period documents verifying financial payments such as WorkCover, Transport Accident Commission, and Centrelink payments and any other payments provided by the primary victim's estate Victim Impact Statement, or any other document that shows evidence of financial circumstances and the nature of the relationship between the applicant and their loved one.
<p>Someone in an intimate personal relationship with a deceased primary victim</p>	<p>An applicant's 'intimate personal relationship' with a deceased primary victim may be different, depending on the circumstances. When deciding whether there was an intimate personal relationship, the FAS will consider:</p> <ul style="list-style-type: none"> the extent to which each person was dependent on the other the length of the relationship and frequency of contact if there was an ongoing sexual relationship the emotional commitment, comfort, advice, and support of a personal nature between them involvement in each other's personal lives, including sharing of confidences and intimacies if the two people shared care of or support for children or other dependants, or 	<p>Recommended evidence</p> <p>Applicants who were in an intimate personal relationship are recommended to provide documentary evidence demonstrating the nature of their relationship with the primary victim. This could include the following:</p> <ul style="list-style-type: none"> documents showing shared expenses or financial responsibilities such as accounts, addresses or details (bank statements, utility bills, rental agreements, home ownership documents) letter from a local Aboriginal community-controlled organisation, or documents showing a mutual commitment to a shared life. <p>Additional evidence</p> <p>Applicants may want to consider providing additional documents supporting their application as someone who was in an intimate personal relationship with the primary victim. These documents could include:</p> <ul style="list-style-type: none"> Victim Impact Statement statutory declarations from the applicant, family members or friends who knew both parties detailing the nature of the relationship by describing:

	<ul style="list-style-type: none"> • if the two people shared a mutual commitment to a shared life. 	<ul style="list-style-type: none"> ○ how the relationship started and developed ○ what activities the applicant and primary victim liked to undertake together ○ significant events in the relationship. • messages between the applicant and primary victim • joint invitations or travel plans • evidence of having participated in joint sporting, cultural or social activities together • photos of the applicant and their loved one which demonstrate the relationship (such as events, gifts exchanged, time on Country etc.) • any other document that shows an intimate personal relationship.
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Eligible for the FAS as a close family member

Nick and Joe were cousins but grew up together as children and were treated by their families as being as close as brothers. They also lived together for several years in a shared apartment after moving out of home. One night, Nick was assaulted while walking home to their apartment after a shift at work. He was taken to hospital but passed away from his injuries. The FAS considers Joe to be a **related victim** as Joe was a **close family member** of Nick's, and at the time of his death Nick treated and thought of Joe as his brother.

Eligible for the FAS as a dependant

Jose is Maddy's grandfather. Jose works full time and financially supports Maddy. Although they do not live together, Jose pays for Maddy's rent, bills and food. Maddy is currently studying and is wholly dependent on Jose's income. Jose is the victim of a **violent act** and passes away from his injuries. The FAS considers Maddy to be a **related victim** as she is wholly dependent on Jose's income at the time of his passing.

Eligible for the FAS as they were in an intimate personal relationship with a primary deceased victim

Martha and Lucas are housemates and have been friends for over ten years. As neither of them have any **close family members** they became very close friends. They were each other's emergency contacts, they spent holidays together and celebrated special occasions together. Most of their daily tasks were done together and they had planned to continue living together and buying a house in the future.

Martha was a victim of a violent assault and passed away from her injuries. The FAS considers Lucas to be a **related victim** as he had an **intimate personal relationship** with Martha.

Eligible for the FAS as they were a close family member due to Aboriginal and Torres Strait Islander kinship systems

Despite not being biologically related, Bernie shared parental responsibility of Cody and his siblings as part of their Aboriginal kinship structure. From a young age, Cody referred to Bernie as his uncle and Bernie would look after Cody and his siblings on a regular basis, including taking Cody out on Country many times. When Cody was 16,

Bernie was the **victim** of a violent assault and passed away from his injuries. The FAS considers Cody to be a **related victim** as he was a **close family member** of Bernie due to their kinship structure, despite not being biologically related.

9. Violent Acts

To be eligible for financial **assistance**, the FAS must be satisfied that a [primary](#) or [secondary](#) victim was a **victim** of a **violent act**. The term '**violent act**' is referred to as an 'act of violence' in **the Act**.

[Related victims](#) do not need to show that they have personally been the **victim** of a **violent act**, however, **related victims** will need to show that their loved one was a **primary victim** of a **violent act**.

9.1 Definition of a violent act

To meet the definition of a **violent act** under the legislation, the **violent act**¹⁵ must:

- have occurred in Victoria
- have directly resulted in a **victim's injury** or death, and
- be a [relevant offence](#)¹⁶ ('**relevant offence**' is discussed in more detail below).

A violent act:



Must have occurred in Victoria



Must have directly resulted in a victim's injury or death



Must be a relevant offence

9.2 Applications with related criminal acts

The FAS can treat multiple individual incidents as a **violent act** where there is some common feature between them. These are known as **related acts**.¹⁷ This allows the FAS to consider the **criminal acts** together to avoid an **applicant** applying multiple times for different incidents.

In these cases, the FAS must still be satisfied that each incident occurred in Victoria and is a **relevant offence**.

In these guidelines, a reference to a **violent act** also includes **related acts** unless explained otherwise.

9.3 Relevant offences

To be eligible for financial **assistance**, the FAS must be satisfied that a [primary](#) or [secondary](#) victim was a **victim** of a **relevant offence**. The following offences are some of the most common types of **relevant offences** for the purposes of a FAS application:

- homicide (including murder and manslaughter)
- **sexual offences**, including:

¹⁵ See definition of 'violent act' at section 3(a) of the Act

¹⁶ See definition of 'relevant offence' at section 3(a) of the Act

¹⁷ See definition of 'related acts' at section 4(1) of the Act.

- culpable driving causing death or **serious injury**
- assault
- recklessly or intentionally causing **injury** or **serious injury**
- carjacking and aggravated carjacking
- robbery and armed robbery
- make threat to kill or inflict **serious injury**
- stalking and online stalking
- image-based **sexual offences**
- **sexual offences** against children
- **child abuse** material offences, including involving a child in the production of **child abuse** material
- conduct endangering life
- conduct inflicting **serious injury**
- rape or assault with intent to rape
- sexual assault
- threat to commit a **sexual offence**
- procuring a sexual act by threat or fraud
- administering an intoxicating substance for a sexual purpose
- home invasion or aggravated home invasion when the **victim** is present in the home
- aggravated burglary when the **victim** is present in the home
- **sexual offences** against persons with cognitive impairment or **mental illness**
- incest offences
- child stealing or kidnapping
- false imprisonment
- sexual servitude offences
- breaching or contravening intervention orders when the **offender** uses violence or threats of violence

As this is not an exhaustive list, a **relevant offence** for the purposes of showing a **violent act** occurred also includes any of the following:

- any offence under Subdivision (4A), (8A), (8B), (8C), (8D), (8E), (8F), (8FAA), (8FAAB) or (8FA) of Division 1 of Part I of the *Crimes Act 1958* or any corresponding previous enactment
- any offence against Division 4A of Part I of the *Summary Offences Act 1966*
- an offence punishable by imprisonment that involves assault on, or injury or threat of injury, to a person, or
- an offence of conspiracy to commit, incitement to commit or attempt to commit any of these offences listed above.

9.3.1 What other offences could be a relevant offence?

Some other **criminal acts** which occurred in Victoria may also be **relevant offences** depending on individual circumstances of an application. The offence must:

- be punishable by imprisonment, and
- involve assault on, or **injury**, or a threat of **injury** to a person.

The **relevant offence** must still have occurred in Victoria and directly resulted in the **victim's injury** or death for it to be a **violent act** for a FAS application. This can include Commonwealth and other types of offences that involve an assault on, or **injury**, or a threat of **injury** to the **victim**.

The FAS will consider there to be a 'threat' of **injury** where there is a real risk of **injury** occurring. While the **applicant** does not have to show direct physical contact for there to be a threat, the FAS must be satisfied that the risk is real and not perceived. The **victim's injury** must be connected to the **relevant offence** and can be a physical, psychological, or psychiatric **injury** or trauma.

However, the **victim's injury** cannot be because of a loss of, or damage to, property.

Not eligible for the FAS

Example: Joanne was visiting her friend interstate when her neighbour called her to tell her that her house was on fire and that they had called emergency services. Police complete an investigation and conclude that her property had been deliberately burned down. Arson is an offence punishable by imprisonment, but in this case, as Joanne was not assaulted, injured or was not at threat of **injury** she does not meet the definition of being a **victim** for the purposes of the FAS.

Eligible for the FAS

Example: Mary awoke to discover that an aggravated burglary had been committed at her home overnight. She reviewed the CCTV footage of her home and saw intruders entering her property and stealing possessions. Mary had not heard these intruders and was not aware of their presence until the next morning.

Even though Mary did not experience an actual assault, she did experience a **relevant offence** for the purposes of a FAS application because she was at threat of **injury** due to the presence of the **offenders** in her home while she was there. If Mary had been out while the **offenders** were at her property, there would have been no threat of **injury** to Mary, and she would not have experienced a **relevant offence**.

Not eligible for the FAS

Example: Mario returned home and discovered that he had been robbed. His front door had been broken down and his computer had been stolen.

Although Mario is a **victim** of crime, he is not a **victim** of crime for the purposes of the FAS. This is because he was not present at the time of the robbery and there was no threat of **injury** against him.

Eligible for the FAS

Example: Susanna separated from her partner. Three weeks after Susanna and her partner broke up, she started to receive emails from her ex-partner that threatened to expose intimate images of Susanna online. While together, Susanna's partner had taken these images of her with her consent. Following the threats, her ex-partner uploaded the images onto a public forum which he knew that Susanna's friends regularly visited. This caused great anxiety for Susanna, and she began to suffer panic attacks and felt shame and stigmatised. Susanna is eligible for the FAS as she was a **victim** of an online **violent act** (being distribution of intimate images) and suffered psychological injuries.

9.4 Related acts

The FAS can decide whether to treat multiple **criminal acts** as being related to each other. These are known as **related acts**.¹⁸ The FAS can treat **criminal acts** as **related acts** regardless of whether they are included the same application.¹⁹ **Applicants** should include all **criminal acts** which they are seeking **assistance** for in the same application to avoid needing to prove the eligibility criteria more than once.

Whether or not a **victim** has experienced **related acts** will impact the [time limits](#) that apply. The time limit for **related acts** is calculated from the date of the last **criminal act**. If a **primary victim** experienced **related acts**, they may also be entitled to apply for a higher amount of [special financial assistance](#).

9.4.1 How the FAS will treat related acts

When the FAS will treat acts as related

- If the **criminal acts** involve the same **victim** and:
 - occurred at about the same time
 - were committed by the same **offender** over a period of time
 - shared some other common factor, or
 - contributed to the **victim's injury** or death.

When the FAS will not treat acts as related

- Applications by the same **victim** but the **criminal acts** took place at very different times and were committed by different **offenders**.

Eligible for the FAS

Example: Amelia was sexually assaulted over a number of years by the same **offender**. Amelia moved overseas for a while to be with family and to recover from the trauma. When she returned to Victoria the sexual assaults continued by the same **offender**.

Amelia is a **victim** of **related acts** as they involved the same **offender** over a period of time.

Violent acts – supporting evidence requirements

Mandatory evidence

Applicants must provide detail in their application form about the **violent act**.

Additional evidence

Applicants may want to consider providing additional documents about the **violent act** to support their application. These documents could include:

- court documents including judgments and sentencing remarks

¹⁸ See definition of 'related acts' at section 4(1) of the Act.

¹⁹ Section 4(2) of the Act.

- Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police
- statement made to police
- Coroner's report
- Victim Impact Statements
- reports from other agencies, such as **family violence** reports
- report or letter by a medical practitioner
- report or letter from a mental health practitioner
- report or letter from a social worker or support worker (for example, from an Orange Door or specialist sexual assault service)
- hospital records
- medical records
- a statutory declaration explaining the nature of the **violent act**
- any other documents which detail the **violent act**.

The FAS will also request information from the police about the **violent act**.

10. Injury

To be eligible for financial **assistance**, **primary** and **secondary victims** must show in their application that they suffered an **injury** as a direct result of a **violent act**. Evidence requirements for **injury** are explained further below.

The **injury** must be:

- physical harm
- psychological or psychiatric harm
- **exacerbation** of a pre-existing **injury**
- a mix of injuries (including physical, psychological or psychiatric harm or **exacerbation** of a pre-existing **injury**), or
- trauma associated with the **violent act**.

A **victim** will need to show that there is a direct link between the **violent act** and the **injury**. In other words, if it were not for the **violent act**, the **injury** would not have occurred. This does not include **injury** caused by loss of or damage to property.

The **violent act** must occur in Victoria however the **injury** can arise later outside Victoria.

Eligible for the FAS

Example: Pascal was assaulted while walking home. His jaw was broken, and he now suffers from ongoing psychological harm. Pascal regularly sees a psychologist for depression and severe anxiety which was not present before the assault. Pascal's physical and psychological injuries are a direct result of the assault.

10.1 Physical harm

Physical harm includes injuries that affect the physiological body and tissue and could include:

- unconsciousness
- disfigurement
- substantial pain
- infection with a disease
- impairment of bodily function
- an unwanted pregnancy or loss of a pregnancy, or
- another physical **injury**.

Physical injury – supporting evidence requirements

Mandatory evidence

Applicants must provide detail in their application form about the **injury**.

Recommended evidence

Applicants are recommended to provide one of the following documents that detail their **injury** or injuries:

- report or letter from a medical practitioner

- report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service)
- hospital records
- medical records
- medical certificates
- Victim Impact Statement
- court documents including judgments, sentencing remarks, or
- Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police.

Additional evidence

Applicants may want to consider providing additional documents supporting their **injury**. These documents could include:

- statement made to police
- photographs of the **injury** accompanied by a statutory declaration with a description of the **injury** to prove that the **injury** was sustained as a direct result of the **violent act**
- invoice or receipt as evidence of treatment the **victim** received in relation to the **injury**, or
- any other relevant document.

The FAS will also request information from the police about the **violent act**, which may include information about the **victim’s injury**.

10.2 Psychological or psychiatric harm and trauma

Psychological or psychiatric harm are injuries that have resulted from the **violent act** and affect a person’s mental health and wellbeing.

Trauma can also be an **injury**. The FAS will consider trauma to be an **injury** if the:

- trauma has been caused as a direct result of a **violent act**, and
- **applicant** provides medical or psychological evidence showing they suffered trauma as a result of the **violent act**.

Eligible for the FAS

Example: Nathan was robbed at knifepoint and ever since the incident he has been avoiding going out in public. He feels anxious every day and has recurring nightmares of the incident.

Because of the **violent act** of the robbery, Nathan has suffered psychological harm and trauma.

Psychological injury and trauma – supporting evidence requirements

Mandatory evidence

Applicants must provide detail in their application form about their experience since the crime, detailing the mental impact that it has had on them.

For trauma injuries, **primary** and **secondary victims** must provide medical or psychological evidence showing that counselling is required.

Recommended evidence

Applicants are recommended to provide one of the following documents that detail the **injury**:

- hospital records
- medical records
- medical certificates
- report or letter by a medical practitioner
- report or letter by a mental health practitioner
- report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service)
- Victim Impact Statement
- court documents including judgments, sentencing remarks, or
- Family Violence Intervention Orders, Family Violence Safety Notices or Personal Safety Intervention Orders applied for by police.

Additional evidence

Applicants may want to consider providing additional documents supporting their **injury**. These documents could include:

- a statement made to police
- an invoice or receipt as evidence of treatment the **victim** received in relation to the **injury**, or
- any other relevant document about the **injury**.

The FAS will also request information from the police about the **violent act**, which may include information about the **victim's injury**.

10.3 Exacerbation of a pre-existing injury

A pre-existing physical, psychological or psychiatric **injury** will be exacerbated when it is made worse as a direct result of the **violent act**. Sometimes it will be complex trying to distinguish the difference between the pre-existing **injury** and the **exacerbation** of the **injury**.

Eligible for the FAS

Example: Ruby was involved in a motor vehicle accident in 2002. She suffered injuries to her shoulder which resulted in some loss of movement and pain, but she was able to still perform her daily tasks.

Ruby was recently assaulted while walking home one night and her arm was pinned to the ground. As a result, her shoulder's function is a lot worse, and she is now unable to do some of the tasks that she was able to do before the incident. This includes bathing herself with that arm and carrying things.

Ruby's pre-existing physical **injury** has been made worse by the **violent act**.

Exacerbation of a pre-existing injury – supporting evidence requirements

Mandatory evidence

Applicants must provide detail in their application form about their **injury** and how it has been exacerbated.

Recommended evidence

Applicants are recommended to provide one of the following documents that detail how the **injury** was exacerbated:

- hospital records
- medical records
- report or letter by a medical practitioner
- report or letter by a mental health practitioner, or
- report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service)

Evidence must detail:

- the cause and extent of the **victim's** pre-existing **injury**, including an explanation of the way the pre-existing **injury** affected the **victim** before the **exacerbation**
- any treatment the **victim** obtained for the pre-existing **injury** before and after the **exacerbation**
- how the **violent act** has worsened the **victim's** pre-existing **injury**, including any impact on their day-to-day life, and
- costs **incurred** by the **victim** as a direct result of the **exacerbation** of the **victim's** pre-existing **injury**, including medical, health and expenses of daily living.

The FAS will also request information from the police about the **violent act**, which may include information about the **victim's injury**.

11. Authorised Representatives

Victims can nominate someone to assist them with their application. This is known as an **Authorised Representative**.

All **Authorised Representatives** must:

- be at least 18 years old, and
- not have any past or pending criminal convictions or prosecutions for dishonesty offences or **family violence** offences that involve the **victim**.

An **Authorised Representative** is someone who:

- has been given authority to apply to and engage with the FAS on behalf of a **victim**, such as a lawyer or other person trusted by the victim, or
- a person who already has legal authority to act for the **victim**, including parents of children or administrators appointed under the *Guardian and Administration Act 2019*.

A parent or guardian can also provide consent for another adult to be the **Authorised Representative** for their child.

All **Authorised Representatives** must:

- be willing and able to make the application for **assistance** and to receive communications on behalf of the **victim**, and
- advise the FAS immediately if the terms or nature of their appointment changes in any way (such as if a client instructs their lawyer to cease to act or if the terms of a court order are amended).

All **Authorised Representatives** can:

- apply to the FAS on behalf of a **victim**
- view, edit and withdraw a draft application on behalf of a **victim**
- provide documents or information in support of an application
- respond to enquiries and communication from the FAS on behalf of a **victim**, and
- withdraw from being the **Authorised Representative** without the **victim's** consent.

Authorised Representatives cannot:

- receive the **victim's** payment (all payments must be made to the **victim's** bank account unless payment is made directly to service providers, to legally appointed representatives managing finances such as State Trustees or to a parent or guardian in relation to a child), or
- make changes on the application regarding the **Authorised Representative** arrangements (unless withdrawing themselves or updating their contact details).

If a parent of a child **victim** applies on their behalf as **Authorised Representative** and the child **victim** turns 18 while the application is still underway, the **victim** can choose whether to keep the previous arrangements and allow their parent to progress their application as **Authorised Representative** or withdraw their consent and proceed to represent themselves.

11.1 Authorised Representative requirements

For representatives authorised by law

For representatives authorised by victim

<ul style="list-style-type: none"> • Must provide the FAS with evidence of their legal authority to act, such as a copy of any guardianship or administration orders made by the Victorian Civil and Administrative Tribunal, a copy of power of attorney documents or a child victim's birth certificate. • Cannot change the Authorised Representative arrangements unless the legal basis for their authority is first amended (such as power of attorney arrangements, or terms of court orders). • If the victim and the Authorised Representative disagree on an issue in the application, the FAS must follow the instructions of the Authorised Representative. 	<ul style="list-style-type: none"> • Must provide legal authority to act, such as client authorisation form for lawyers or other professionals or signed consent from the victim • Must ensure that their appointment is within the terms of their legal arrangement • The victim can change the Authorised Representative arrangements at any time. • If the victim and the Authorised Representative disagree on an issue in the application, the FAS must follow the instructions of the victim
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11.2 Child victims who wish to make their own application

In most cases, the FAS requires children to have an adult assist with their application. In some limited circumstances, the FAS may decide that some children are capable of making their own decisions and can represent themselves.

When deciding whether a child is capable of applying to the FAS independently, the FAS will consider:

- the child's reasons or explanation as to why it is appropriate for them to apply on their own behalf
- the child's age and whether the child can understand and retain the information they need to make decisions about their application and the consequences of their decisions
- existing arrangements such as whether the child is already making complex decisions for themselves
- whether the child can communicate their decisions
- the child's ability to source and provide the evidence required for their application
- the views or opinions of any relevant supporting **family members** or peers as to the child's capacity to make decisions for themselves, and
- the child's living and personal circumstances and whether they have anyone who can be their **authorised representative**.

If the FAS considers that the child would benefit from legal advice or further assistance with completing their application, the FAS will refer the child to an appropriate service.

Child victims who can make their own application

Example: Megan is 16 and has a difficult relationship with her parents as she was sexually abused by a **family member** and not believed by her parents at the time. Megan lives with her aunt, has a part time job and pays for her own personal expenses. Megan makes all her own medical decisions, and her teachers are aware of her situation and regard her as being capable of making her own decisions independently for school purposes. Megan wants to apply to the FAS on her own and does not wish to elect her aunt to apply on her behalf. Her aunt does not know the extent of the offending against her and Megan feels uncomfortable disclosing to **family members**. The FAS considers Megan's circumstances and decides that Megan can make her own application.

12. Payments to Funds in Court

The FAS will pay **assistance** (like special financial assistance or distress payments) to the Senior Master of the Supreme Court, supported by the Funds in Court office, to be managed on behalf of a **victim** when:

- the FAS decides to pay **assistance** (like special financial assistance and distress payments) which are usually paid directly to the **victim** and not to a third-party service provider, and
 - the **victim** is a child, or
 - the **victim** is an adult who is living with a disability that affects their capacity to independently manage their financial affairs.

If **assistance** is paid to the Senior Master because the victim is under 18 years of age, the **victim** can apply for payment out of the funds when they turn 18. The funds will be paid out to the **victim** unless the Senior Master is concerned that they may not be able to independently manage the funds.

If **assistance** is paid to the Senior Master because the **victim** has an illness or disability that affects their capacity to independently manage their financial affairs, the funds will be managed by the Senior Master indefinitely. The Senior Master will only make an order for the funds to be paid out to the **victim** if they are satisfied that they can independently manage the funds.

If **assistance** is paid to the Senior Master, **victims** can contact Funds in Court to access the funds for any purpose that is beneficial for the **victim**.

More information can be found on the [Funds in Court website](#).

13. Summary of financial assistance available from the FAS

Summary of financial assistance available

Applicant type	Financial assistance
Primary victims	<p>Up to \$60,000 which includes:</p> <ul style="list-style-type: none"> • counselling expenses • medical expenses • loss of earnings up to \$20,000 • lost or damaged clothing worn at the time of the violent act • safety expenses, and • in exceptional circumstances, expenses to assist with their recovery from the violent act. <p>In addition to the above expenses within the \$60,000 limit, primary victims may also be eligible for a payment of special financial assistance. This payment may be up to \$25,000.</p>
Secondary victims	<p>Up to \$50,000 which includes:</p> <ul style="list-style-type: none"> • counselling expenses • medical expenses, and • in exceptional circumstances: <ul style="list-style-type: none"> ○ loss of earnings up to \$20,000, and ○ recovery expenses - to assist with recovery from witnessing or becoming aware of the violent act.
Related victims	<p>Up to \$50,000 which includes:</p> <ul style="list-style-type: none"> • counselling expenses • medical expenses • a distress payment • loss of money • other expenses as a result of the passing of the primary victim, and • in exceptional circumstances, expenses to assist with their recovery from the passing of their loved one.

The FAS can also pay for the [funeral expenses incurred](#) as a direct result of the death of a [primary victim](#) of a **violent act**. Funeral expenses are paid in addition to the \$60,000 and \$50,000 limits of **assistance** that can be provided to [primary](#), [secondary](#) and [related victims](#).

The FAS will pay for a report from a medical, health or support worker professional when the FAS has pre-authorized the payment and when the:

- FAS has considered the application and decided that the evidence available cannot meet the criteria which needs to be satisfied
- information cannot be established from any other source (such as the police report)
- report is required to link the **injury** suffered to the recommended treatment, and
- FAS requests that the **applicant** arrange to have a medical, health or support worker professional report completed.

The FAS will not make a payment for expenses **incurred** through loss of or damage to property (except for clothing for **primary victims**).

The FAS will also not pay for services or expenses that are already funded by government. This does not include where a 'fee for service' is recognised as part of funding arrangements and where organisations provide short term **assistance** through brokerage or other programs that are not funded by government.

14. Interim assistance

The FAS can pay interim **assistance** while an **applicant** waits for the FAS to make a final decision about their application. The purpose of interim **assistance** is to meet the immediate needs of victims.

The FAS can pay the following types of **assistance** as interim **assistance**:

Interim assistance and supporting evidence requirements	
Assistance type	Requirements
Up to 5 sessions of counselling expenses according to the FAS counselling expenses payment schedule .	<p>Mandatory evidence</p> <p>Applicants must provide detail in their application form explaining why counselling is required and how the assistance will meet their immediate needs.</p> <p>Details of the cost of the counselling expenses are also required. This could be:</p> <ul style="list-style-type: none"> • an invoice or receipt for expenses already paid for • a quote for expenses to be paid for in the future • a screenshot or other official outline of a counselling provider's fees • an email or other correspondence from the counselling provider with their fees, or • a letter or report that includes the counselling provider's fees.
Up to a combined total of \$5,000 for medical and safety-related expenses.	<p>Mandatory evidence</p> <p>Applicants must provide detail in their application form explaining why the medical or safety-related expenses are required and how the assistance will meet their immediate needs. If necessary for safety-related expenses, they must also provide written permission from a landlord to install safety equipment in a rental property.</p> <p>Applicants must also provide:</p> <ul style="list-style-type: none"> • evidence of expenses already incurred (i.e. an invoice or receipt) for which the applicant needs urgent reimbursement, or • quotes or other evidence of the expected costs (such as published prices).
Up to \$19,627 for funeral expenses.	<p>Mandatory evidence</p> <p>Applicants must provide detail in their application form explaining why the funeral expenses are required and how the assistance will meet their immediate needs. They must also provide evidence that their loved one was a primary victim who passed away as a direct result of the violent act.</p> <p>Details of the cost of the funeral expenses are also required. This could be:</p> <ul style="list-style-type: none"> • evidence of expenses already incurred (i.e. an invoice or receipt) for which the applicant needs urgent reimbursement, or • quotes or other evidence of the expected costs (such as published prices).

Eligible for interim assistance

Example: Sandra applies to the FAS for \$5,000 in safety-related expenses, with \$2,000 as interim **assistance** to help her to relocate homes as Sandra is a victim of **family violence**. Sandra also applies for counselling and special financial **assistance**.

The FAS considers Sandra's application and pays the \$2,000 as interim **assistance**. Later, the FAS pays Sandra counselling, special financial assistance, and the remaining safety-related expenses.

Eligible for interim assistance

Example: Tan was the victim of a serious assault. Tan applies to the FAS for counselling expenses and special financial assistance. The FAS provides Tan with **assistance** for 5 counselling sessions. The FAS later decides to pay special financial assistance, but in the meantime, Tan has been able to keep attending their weekly sessions with their psychologist.

15. Assistance for primary victims

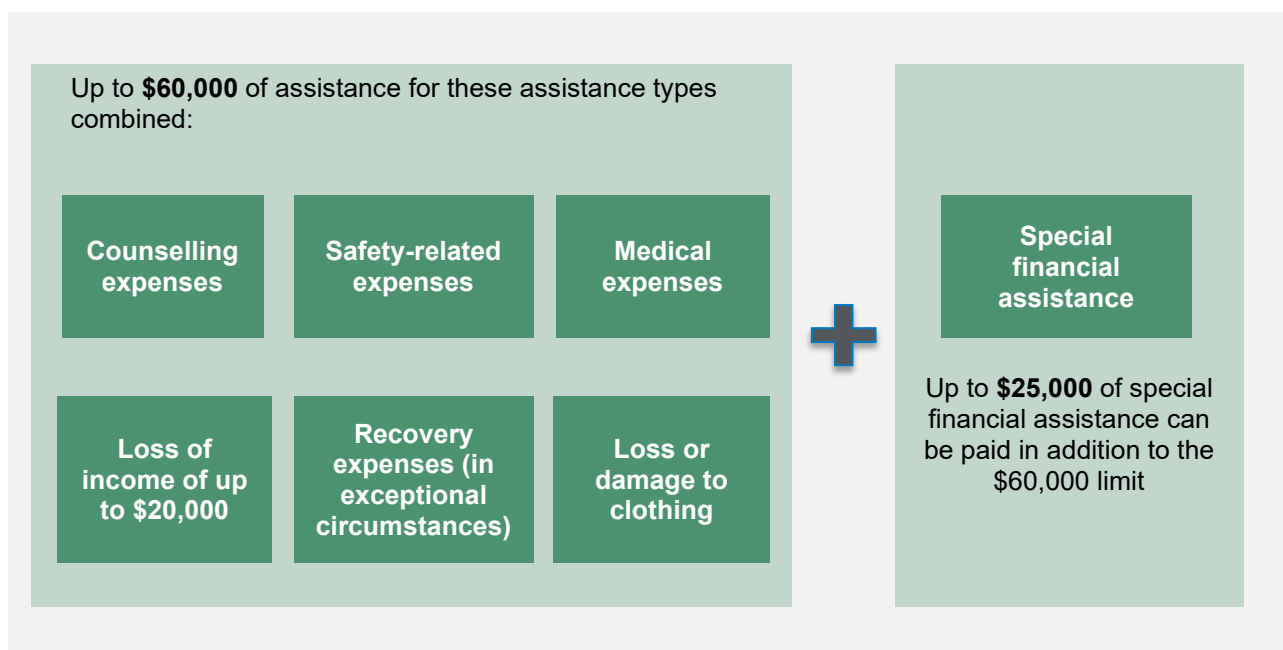
To assist with the recovery from the **violent act**, the FAS can pay **primary victims** up to \$60,000 in financial **assistance**. This amount is *in addition* to any **special financial assistance** a **primary victim** may be eligible for and **funeral expenses**.

The financial **assistance** the FAS will provide to a **primary victim** depends on what kind of expenses they have **incurred** or are **likely to incur** in the future because of the **violent act**, and whether the amount requested for the expense is reasonable.

The FAS can provide financial **assistance** to a **primary victim** for:

- counselling expenses
- medical expenses
- lost earnings up to \$20,000
- lost or damaged clothing worn at the time of the **violent act**
- safety expenses, and
- in exceptional circumstances, expenses to assist a victim with their recovery.²⁰

Primary victims are entitled for up to \$25,000 of special financial assistance, which is in addition to the \$60,000 limit.



The FAS cannot provide financial **assistance** for lost or damaged property (unless it is clothing worn at the time of the **violent act**).

²⁰ Section 10 of the Act.

✓ Eligible for assistance as a primary victim

Example: Emily was the victim of a violent assault. The unknown **offender** followed Emily home and assaulted her in her front yard. Emily suffered a broken arm, minor head injuries and damage to her coat and prescription glasses. She paid for medical bills to treat her injuries and for replacement glasses and a new coat. Emily also installed a security camera and sensor light in her front yard as a security measure. Emily provided receipts for the medical treatment, new glasses, coat and security equipment. Emily **incurred** these costs as a direct result of the **violent act** and the FAS provided Emily with assistance to cover these costs.

15.1 Counselling expenses

Primary victims are eligible for financial **assistance** to pay for reasonable counselling services that have already been paid for, or that are likely to be paid in the future.²¹ These services include counselling reports and counselling sessions. Evidence requirements for counselling expenses are explained further below.

Secondary and **related victims** are also eligible for **assistance** to pay for counselling expenses.

Counselling services must be delivered by:

- an [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) registered psychologist
- counsellors who are a level 3 (minimum) member of the Australian Counselling Association or who are a ‘full clinical member’ or ‘certified practising member’ of the Psychotherapy and Counselling Federation of Australia,
- mental health social workers who are accredited by the Australian Association of Social Workers, or
- social workers who are accredited by the Australian Association of Social Workers.

The FAS will consider other counselling professions who may not fit the above requirements, where the **applicant** has provided details about their skills and qualifications and the FAS considers them to be an appropriate counselling service provider.

As outlined in the [interim assistance section](#), the FAS can pay for up to 5 counselling sessions to meet a **victim’s** immediate needs for counselling, without the need for a **victim** to provide documentary evidence of a psychological **injury**.

The number of counselling sessions the FAS may provide to a **victim** will be based on the **victim’s** needs and the information and evidence provided in the application.

Counselling sessions and evidence required

Counselling sessions	Evidence
Initial counselling sessions and interim assistance . <i>The FAS will provide up to 5 sessions as interim assistance for</i>	Mandatory evidence Applicants must provide details in the application form to show the need for counselling, including an explanation of the psychological injury resulting from the violent act and the number of requested counselling sessions. Applicants must provide <u>one</u> of the following for the cost of the counselling expense:

²¹ Section 10(2) of the Act.

<p>applicants' immediate needs. See interim assistance for more information.</p>	<ul style="list-style-type: none"> • an invoice or receipt for expenses already paid for, • a quote for expenses to be paid for in the future • a screenshot or other official outline of a counselling provider's fees • an email or other correspondence from the counselling provider with their fees, or • a letter or report that includes the counselling provider's fees.
<p>Additional counselling sessions (more than 20 sessions)</p>	<p>Mandatory evidence</p> <p>Applicants must provide a report which details the ongoing need for counselling. The report must be produced by an accredited mental health social worker, a non-psychologist/accredited social worker, a registered psychologist or psychiatrist and include:</p> <ul style="list-style-type: none"> • a description of the victim's mental health needs • the proposed treatment • the cost of the treatment • the practitioner's opinion on the need for the additional sessions, and • the practitioner's opinion as to whether the need is directly as a result of the violent act. <p>The FAS may request and pay for the applicant to obtain a counselling report after 20 sessions have been used.</p>

Sometimes the FAS will approve an **applicant's** future counselling expenses, rather than paying an **applicant's** expenses that they have already paid for. In applications where the FAS has decided to pay future **assistance** for expenses **likely to be incurred**, the FAS will pay for each service provided (such as a counselling session) once the service has been delivered and notice of its delivery has been provided to the FAS. This is different to applications where the FAS is reimbursing an **applicant** directly for expenses which were already **incurred** and paid for.

15.2 FAS Counselling expenses payment schedule

The FAS will pay the following fees paid as part of counselling **assistance**:

Counselling service	Practitioner type	Fee
Counselling reports		
The FAS may pay for a counselling report if: <ul style="list-style-type: none"> • a victim shows a need for additional counselling services 	Accredited Mental Health Social Worker/Counsellor (non-Psychologist/Accredited Social Worker)	Up to \$385
	Registered Psychologist	Up to \$385
	Psychiatrist	Up to \$790

<ul style="list-style-type: none"> a victim applies for more than 20 sessions the victim has already used 20 counselling sessions, and the FAS has pre-authorized the payment of the report. 	Non-treating psychologist or psychiatrist. This is a psychologist or psychiatrist who is not the applicant's regular treating practitioner and is engaged for the purpose of producing a one-off counselling report.	\$475 to \$790
Counselling sessions		
30-minute counselling session	Counsellor (non-Psychologist/Accredited Social Worker)	\$105
	Accredited Mental Health Social Worker	\$115
	Registered Psychologist	\$125
60-minute counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$175
	Accredited Mental Health Social Worker	\$190
	Registered Psychologist	\$210
90-minute counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$240
	Accredited Mental Health Social Worker	\$270
	Registered Psychologist	\$305
30-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$70 per person to a maximum of \$190
	Accredited Mental Health Social Worker	\$80 per person to a maximum of \$210
	Registered Psychologist	\$90 per person to a maximum of \$220
60-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$120 per person to a maximum of \$315

	Accredited Mental Health Social Worker	\$130 per person to a maximum of \$355
	Registered Psychologist	\$140 per person to a maximum of \$385

Applicants may choose their own counselling provider. If their counsellor charges more the amounts outlined above, the FAS will only pay up to the amount listed in the above fee table.

15.3 Medical expenses

Primary victims are eligible for financial **assistance** to pay for reasonable medical services that have already been paid for, or that they will have to pay for in the future, because of the violent act.²² Evidence requirements for medical expenses are explained further below.

Secondary and **related victims** are also eligible for **assistance** to pay for medical expenses.

The FAS will pay for the following types of medical expenses **incurred** or **likely to be incurred** by eligible victims where those expenses are reasonable:

- hospital and ambulance services
- x-rays, tests, and scans
- psychiatric and psychological treatment
- medication and basic medical equipment
- dental services
- optometry, including the replacement of prescription glasses
- physiotherapy
- chiropractic treatment
- hearing aids
- osteopathy
- speech pathology
- rehabilitation services
- acupuncture, and
- occupational therapy.

This is not an exhaustive list, and the FAS may also consider medical expenses which are not in the above list.

If the Australian Health Practitioner Regulation Agency (AHPRA) regulates the medical or health profession, the medical services must be provided by someone currently registered by AHPRA in the relevant profession.

²² Section 10(2) of the Act.

For medical professions not regulated by AHPRA, the FAS will consider the skills and qualification of the relevant professional.

15.3.1 What a primary victim needs to show for medical expenses

An **applicant** must provide evidence of the need for the medical treatment as well as the cost of the medical expense that has been or will be paid for.

Medical expenses – supporting evidence requirements

Mandatory evidence

Applicants must provide evidence of the cost of the medical expense. This includes:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- an email or other correspondence from the medical provider with their fees for expenses to be paid for in the future, or
- a letter or report that includes the medical providers fees for expenses to be paid for in the future.

For quotes showing expenses to be paid for in the future, the FAS will not provide assistance until the service has been provided and an invoice or receipt has been given to the FAS.

Recommended evidence

Applicants are recommended to provide one of the following documents that details the need for the medical expense:

- hospital records
- medical records
- medical certificate
- a report or letter by an AHPRA registered medical or health professional or for professions not regulated by AHPRA, a report or evidence which also details the skills and qualification of the relevant professional, or
- a report or letter by a mental health practitioner.

A medical report, letter or evidence of diagnosis must include the:

- proposed or provided treatment
- practitioner's opinion on how the proposed treatment would help recovery, and
- need for the treatment being directly a result of the **violent act**.

15.4 Loss of earnings

Primary victims are eligible for financial **assistance** for loss of earnings because they are unable to work due to the **violent act**. Evidence requirements for loss of earnings are explained further below.

Secondary victims are also eligible for **assistance** for loss of earnings in exceptional circumstances.

The FAS can provide **assistance** up to \$20,000 for the loss of earnings that has already happened, or that is reasonably likely to happen in the future.²³ The FAS can pay for the income a **victim** has lost because of their incapacity to work because of the **violent act**. This includes income from an employer or if a victim is self-employed. It can also include paid leave entitlements such as sick and annual leave that was taken due to the **violent act**.

A victim's loss of earnings must be because of their incapacity to work due to the **violent act**. This can be a partial or total incapacity to work.

The FAS can only provide **assistance** for lost earnings for a period up to two years from when the **violent act** occurred.

A total or partial incapacity means the **applicant** is no longer able to continue to work completely or partially because of the **violent act**, or that they are prevented from undertaking work that they reasonably expected to do. Incapacity is a degree of loss in their ability to earn the same amount of income that they previously did before the **violent act** occurred.

Showing an incapacity to work

Example: Clarence works as a truck driver and often drives at least five hours per shift, five days a week. He was recently a victim of an assault which resulted in him breaking his wrist and fracturing his forearm. His arm and wrist are in a cast, and he isn't currently able to drive. Clarence applies to the FAS for loss of earnings as his injuries have prevented him from working and has lost any income he would have received since the assault. A letter from his doctor has described his **injury** as causing a total incapacity to work, as driving is essential to the performance of his role, and he is unable to earn the same amount of income as he would have prior to the assault.

15.4.1 What a primary victim needs to show for loss of earnings

Primary victims must provide evidence of what they earned before the **violent act** along with evidence of their loss of capacity to work.

Loss of earnings – supporting evidence requirements

Mandatory evidence

Applicants who have consistent income must provide one or more of the following for evidence of prior earnings:

- income protection documents
- bank statements
- pay slips
- Australian Taxation Office records (for example, lodged income tax returns, notice of assessments and income statements) for the three financial years before the **violent act**, and when possible, the financial years between the date of the **violent act** and the end date of the period for which the loss of earnings claim is made
- an employment contract
- documentation that verifies:

²³ Section 10(2)(c) of the Act.

- paid leave entitlements
- WorkCover payments
- Transport Accident Commission payments
- Centrelink payments
- all other payments received that the **applicant** is, or may be, entitled to during the period for which the loss of earnings claim is made.

Applicants who have inconsistent income must provide Australian Taxation Office records (for example, lodged income tax returns, notice of assessments and income statements) for the three financial years before the **violent act**, and when possible, the financial years between the date of the **violent act** and the end date of the period for which the loss of earnings claim is made.

Applicants must provide one of the following documents detailing the applicant's **injury** and their diagnosis, their inability to work and duration of this inability provided by currently registered [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) medical or mental health professionals:

- a report or letter from a mental health practitioner, or
- a report or letter from a medical practitioner.

If an applicant is making a request for future lost earnings, then they must provide a report by a currently registered Australian Health Practitioner Regulation Agency (AHPRA) medical or mental health professional detailing their **injury**, diagnosis, their incapacity to work and the duration of the incapacity.

Additional evidence

Applicants may want to consider providing additional documents supporting their loss of earnings. These documents could include:

- a letter from the applicant's employer detailing their past and/or current earnings
- statutory declaration about past and/or current earnings, or
- any other documentation relevant to the loss of earnings claim.

15.5 Loss or damage to clothing

Primary victims are eligible for financial **assistance** for the loss or damage to clothing worn at the time of the **violent act**.²⁴ Evidence requirements for loss or damage to clothing are explained further below.

The FAS will pay for items including:

- coats and jackets
- trousers and jeans
- shoes
- t-shirts and shirts
- dresses and skirts
- helmets
- belts

²⁴ Section 10(2)(d) of the Act.

- work, spiritual or culturally specific clothing, or
- clothing kept by police as evidence.

The FAS will not pay for items that are considered property rather than clothing. This includes:

- jewellery
- watches
- non-prescription sunglasses
- fitness trackers, and
- accessories or bags and items within bags such as wallets, purses, make-up, or money.

15.5.1 What a primary victim needs to show for loss or damage to clothing

The FAS can pay expenses **incurred** or **likely to be incurred** by the [primary victim](#) through the loss of, or damage to, clothing which was worn at the time of the **violent act** occurring.

To seek payment for loss or damage to clothing, **applicants** must provide evidence to show that the clothing in question was lost or damaged while being worn at the time of the **violent act**, and also demonstrate the cost of replacing the lost or damaged clothing.

Loss or damage to clothing – supporting evidence requirements

Mandatory evidence

Applicants must indicate in their application that the clothing in question was lost or damaged while being worn at the time the **violent act** occurred and provide one of the following documents as evidence of clothing expenses:

- an invoice or receipt for expenses already paid for, or if unavailable, a statutory declaration i
- a quote for expenses to be paid for in the future
- a screenshot or other official outline of a product's cost for expenses to be paid for in the future, or
- service provider's fees for repair of damaged clothing to be paid for in the future.

Recommended evidence

Applicants are recommended to provide one of the following documents that details the loss or damage to clothing:

- a statement (if available) confirming the clothing worn at the time of the **violent act**
- photos of the **applicant** (if available) from the time of the **violent act**, or
- a statutory declaration detailing the clothing worn at the time of the act of violence and the cost of the clothing lost or damaged.

15.6 Safety-related expenses

Primary victims are eligible for financial **assistance** for reasonable safety-related expenses that have been paid for or are likely to be paid for because of the **violent act**.²⁵ These expenses are to ensure the safety of a **primary victim** after the **violent act**. Evidence requirements for safety-related expenses are explained further below.

The safety-related expenses sought should be:

- for a purpose reasonably expected to promote the **primary victim's** safety
- proportionate to the benefit it might have for the **primary victim**, and
- needed as a direct result of the **violent act**.

The FAS will pay for expenses including:

- the installation of CCTV and other security camera equipment
- the removal of tracking and surveillance equipment
- security gates or fences
- security alarms
- intercom systems
- window, door or lock repairs
- motion sensor lights
- personal duress alarm
- mobile phones, or
- housing and relocation costs.

The FAS must be satisfied that the **primary victim** needs the reasonable safety-related expense for their **safety** as a direct result of the **violent act**. To help establish this, the FAS will consider:

- the type of security or safety-related expenses and its potential impact for the victim
- how long the **primary victim** will be living at the address where the safety-related equipment is installed
- any permissions needed from any landlord if the safety-related equipment is fixed and relating to a rental property, and
- for the installation of security equipment, that the service provider is registered or licensed under the *Private Security Act 2004*.

15.6.1 What a primary victim needs to show for safety-related expenses

Primary victims must provide evidence of the cost of the safety-related expense and how it directly relates to the **violent act**, showing the need for the expense to ensure the safety of the **primary victim**.

²⁵ Section 10(2)(e) of the Act.

Safety-related expenses – supporting evidence requirements

Mandatory evidence

Applicants must provide detail in the application form of the need for safety-related expenses.

Applicants must provide one of the following for evidence of the cost of the safety-related expenses:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- a screenshot or other official outline of a product or service provider's fees for expenses to be paid for in the future, or
- an email or other correspondence from the vendor or service provider with their fees for expenses to be paid for in the future.

The invoice, receipt or quote must be issued by a service provider that is appropriately qualified and registered to provide that service where such requirements exist. This includes locksmiths and CCTV installers who must be registered as Security Equipment Installers pursuant to the *Private Security Act 2004*.

For quotes showing expenses to be paid for in the future, the FAS will not provide assistance until the service has been provided and an invoice or receipt has been given to the FAS.

Applicants must also provide evidence of any permissions sought from a landlord if necessary.

15.7 Recovery expenses

Primary victims are eligible in **exceptional circumstances** for reasonable financial **assistance** with expenses to assist in their recovery from the **violent act**.²⁶ Recovery can mean a victim's emotional, physical or mental recovery. The types of expenses which the FAS can pay as part of recovery expenses are varied.

Secondary and **related victims** are also eligible for **assistance** to pay for recovery expenses.

Applicants must provide details and documentary evidence to satisfy the FAS of **both** of the following:

- that their circumstances are exceptional, and
- that the **assistance** they are seeking will assist the victim's recovery from the **violent act**.

The FAS will consider every application on a case-by case basis. Evidence requirements for recovery expenses are explained further below.

15.7.1 Showing exceptional circumstances

To decide whether a **victim's** circumstances are exceptional, the FAS will consider the victim's recovery needs, the supporting evidence provided and whether the expenses sought are reasonable. Exceptional circumstances mean that the victim's circumstances are unusual, special, out of the ordinary, rare or outside reasonable anticipation or expectation.

Exceptional circumstances could include the victim's personal circumstances, the seriousness of the offence or **injury** suffered, any pre-existing factors such as **mental illness** or disability, or cultural considerations.

²⁶ Section 10(3) of the Act.

The reasonable recovery expenses requested must:

- assist the victim in their recovery from the **violent act**, and
- be proportionate to the **injury** which the victim has experienced.

Recovery expenses – supporting evidence requirements

Mandatory evidence

Applicants must provide one of the following as evidence of the cost of the recovery expense:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- a screenshot or other official outline of a product or service provider's fees, or
- an email or other correspondence from the vendor or service provider with their fees.

Recommended evidence

Applicants are recommended to provide one of the following documents to detail the need for the recovery expenses and why their circumstances are exceptional:

- a report or letter from a mental health practitioner
- a report or letter from a medical practitioner, or
- a report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service).

A report or letter must detail the following:

- an explanation as to how the victim's circumstances are exceptional, and
- the type of requested **assistance** and an explanation about how the **assistance** will assist in their recovery from the **violent act**.

Additional evidence

Applicants may want to consider providing additional documents supporting their application for recovery expenses to show why it is needed and why their circumstances are exceptional. This could include a statutory declaration explaining the exceptional circumstances and why the recovery expense is needed.

16. Special financial assistance

Special financial assistance is a payment made to a [primary victim](#) on behalf of the community in recognition of the harm suffered as a direct result of a [violent act](#). Special financial assistance is paid in addition to other [assistance available to primary victims](#) and is not considered as part of the \$60,000 maximum. **Secondary** and **related victims** are not eligible for special financial assistance.

The FAS can pay special financial assistance to **primary victims** where:

- a **violent act** was committed [against the primary victim](#), or
- the **victim** was a child and was injured as a direct result of hearing, witnessing, or otherwise being exposed to the effects of the **violent act**, and
- the **victim** experienced or suffered a **significant adverse effect** as a direct result of the **violent act** which includes any grief, distress, trauma or [injury](#).

Generally, a **victim** who is injured because they were trying to:

- arrest someone they believe was committing a **violent act**
- prevent the commission of a **violent act**, or
- aid or rescue someone who was a direct victim of a **violent act**

is not eligible to receive special financial assistance, as the **violent act** was not committed against them.

This is the starting point, and an applicant may be able to demonstrate the **violent act** was committed against them rather than being injured during the **violent act**.

The FAS does not pay special financial assistance as [interim assistance](#), as this will form part of the FAS's final payment.

The requirements, categories and maximum and minimum amounts for special financial assistance are still subject to the making of the Victims of Crime (Financial Assistance Scheme) Regulations 2024. These guidelines do not override what the regulations say.

16.1 How special financial assistance works

The FAS must then decide:

- whether the **primary victim** experienced one **violent act** or **related acts**
- which category the **violent act** or **related acts** fall into
- whether the **applicant** is eligible to be uplifted into a higher category, and
- the amount of **assistance** to pay an **applicant** from the range of special financial assistance available for that category.

This section discusses how the FAS will make these decisions, including factors which may increase or decrease the amount of **assistance** to be paid.

16.1.1 Special financial assistance categories

Special financial assistance sorts **violent acts** into four categories (see the table below). Each category has a minimum and maximum range of **assistance** that can be paid as special financial assistance. The FAS uses the information provided by the **applicant** and other evidence (such as information from Victoria

Police) to identify which category the **violent act** falls into. If a **violent act** is not listed in categories A, B or C, it will automatically be in category D.

A **primary victim** who experienced **related acts** may be entitled to a higher amount of special financial assistance in recognition of the specific harm that victims of cumulative **criminal acts** experience. A **violent act** does not need to be in the same category as another **violent act**. The FAS will calculate the amount of special financial assistance for **related acts** based on the highest available category.

Children who are primary victims because they heard, witnessed or were otherwise exposed to the effects of the violent act will be eligible for special financial assistance based on the category of the violent act they heard, witnessed or were otherwise exposed to.

Eligible for separate special financial assistance category

Example: Vicky was a victim of sexual assault perpetrated by a **family member** on multiple occasions over several years up to 2019 and applied for special financial assistance, counselling, and recovery expenses. The FAS paid Vicky special financial assistance for the **related acts**, as well as other forms of **assistance** in 2025.

In 2021, Vicky was a carjacking victim. Vicky applied again to the FAS for **assistance** for special financial assistance in relation to this **violent act**. The FAS decides to pay special financial assistance for the single **violent act** of carjacking as the 2019 sexual assaults were unrelated to the carjacking in 2021.

Special financial assistance payments are based on the categories below.

Category	Violent act	Single violent act		Related acts	
		Minimum eligible amount	Maximum eligible amount	Minimum eligible amount	Maximum eligible amount
A	<ul style="list-style-type: none"> Sexual penetration (rape) Attempted murder Murder (where a child witnessed the violent act and is injured as a result) 	\$9,334	\$20,000	\$11,668	\$25,000
B	<ul style="list-style-type: none"> Attempted sexual penetration Sexual assault Sexual activity involving a child, or person with a cognitive impairment or mental illness, or the administration of an intoxicating substance Sexual servitude Non-fatal strangulation Armed robbery Aggravated burglary Aggravated carjacking Aggravated home invasion Home invasion Kidnapping Deprivation of liberty of a person for the purpose of: 	\$2,600	\$6,500	\$3,250	\$8,125

	<ul style="list-style-type: none"> ○ sexual penetration, or ○ demanding any ransom for their release 				
C	<ul style="list-style-type: none"> ● An attempt to commit a category B violent act (other than an attempted sexual penetration of a person) ● A threat of death ● A threat to commit a sexual offence ● Sexual activity (other than sexual activity in relation to a child or person with a cognitive impairment or mental illness, or the administration of an intoxicating substance) ● Conduct endangering life ● Conduct inflicting serious injury ● Carjacking ● Robbery 	\$1,300	\$2,600	\$1,625	\$3,250
D	<ul style="list-style-type: none"> ● An attempt to commit a category C violent act (other than an attempt to commit a category B violent act) ● A threat of injury ● An offence involving an intimate image ● An assault against a person ● An attempted assault ● The deprivation of the liberty of a person other than in category B ● A violent act not otherwise specified as a category A, B or C violent act 	\$260	\$1,300	\$325	\$1,625

16.1.2 Moving to a higher category

In some circumstances, **victims** may be eligible for a higher category of **assistance**. For example, in some situations, a **violent act** which is normally a category D **violent act** may be moved into category C because of the circumstances.

The circumstances in which an application can be moved into a higher category are:

Moved into category	Circumstances
A	<p>A category B, C or D violent act can be moved into category A where, as a direct result of the violent act, the victim:</p> <ul style="list-style-type: none"> ● suffered a very serious physical injury, or ● is the victim of related acts that are acts of sexual assault. <p>Very serious physical injury means actual physical bodily harm that is permanent or of long-term duration and involves:</p>

	<ul style="list-style-type: none"> • loss of a bodily function • disfigurement of a part of the body • total or partial loss of a part of the body • loss of a foetus • loss of fertility, or • infection with a life-threatening disease. <p>Category B violent acts which were related and occurred in the context of a pattern of family violence can also be moved into category A.</p>
B	<p>A category C or D violent act can be moved into category B where the victim was a child, elderly or had impaired mental functioning and, as a direct result of the violent act, the victim suffered:</p> <ul style="list-style-type: none"> • a serious injury • related acts, or • a deprivation of their liberty. <p>Serious injury in the context of special financial assistance means an injury (including the cumulative effect of more than one injury) that endangers life or is substantial and protracted. Category C violent acts which were related and occurred in the context of a pattern of family violence can also be uplifted into category B.</p>
C	<p>A category D violent act can be moved into to category C where there are related acts and the:</p> <ul style="list-style-type: none"> • victim was a child, elderly or had impaired mental functioning, or • the related acts occurred in the context of a pattern of family violence. <p>For the purposes of category C, elderly means in relation to an Aboriginal person, 55 years of age or older, and in relation to any other person, 65 years of age or older.</p> <p>For the purposes of category C, impaired mental functioning means:</p> <ul style="list-style-type: none"> • a mental illness within the meaning of the <i>Mental Health and Wellbeing Act 2022</i> • an intellectual disability within the meaning of the <i>Disability Act 2006</i> • an acquired brain injury • an autism spectrum disorder, or • a neurological impairment, including but not limited to dementia.

Special financial assistance – supporting evidence requirements

Additional evidence

Applicants may want to consider providing additional documents to support their application for the purposes of moving into a higher category of special financial assistance. This could include evidence of:

- impaired mental functioning
- a **serious injury**, or
- a **very serious physical injury**.

Evidence listed in other sections of the guidelines, such as for medical or recovery expenses, can be used as evidence for moving into a higher category of special financial assistance.

16.1.3 How the FAS calculates special financial assistance amounts

The FAS will provide victims with the maximum amount of **assistance** in the relevant category, unless the FAS finds a victim's **character** is relevant and will reduce the amount of special financial assistance paid.

Eligible to move into a higher category of special financial assistance

Example: Jules was a victim of **related acts** that occurred at school. She was 16 years old at the time. With the help of her **authorised representative**, she applied to the FAS for **assistance** with counselling expenses and special financial assistance. As Jules was a child at the time of the **violent acts**, she is eligible to be moved into a higher special financial assistance category. The FAS categorises the **criminal acts** of attempted assault and threat of **injury** as category D acts and as Jules was a child at the time of the incidents, Jules is eligible for category C special financial assistance.

17. Assistance for secondary victims

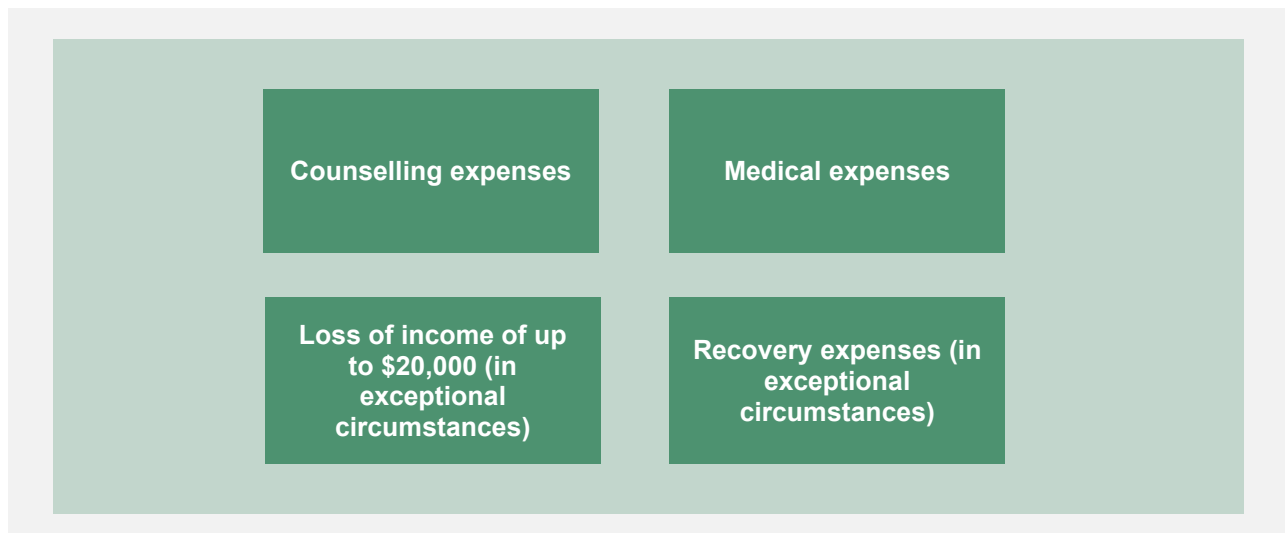
To assist with the recovery from witnessing a [violent act](#), the FAS can pay [secondary victims](#) up to \$50,000 in financial **assistance**. This is in addition to payments for [funeral expenses](#).

Evidence requirements for **assistance** for **secondary victims** are explained further below.

The financial **assistance** the FAS will provide to **secondary victims** depends on what kind of expenses they have paid for or are likely to pay for in the future because of the **violent act**, and whether the amount requested for the expense is reasonable.

The FAS can provide financial **assistance** to **secondary victims** for:

- counselling expenses
- medical expenses, and
- in exceptional circumstances:
 - loss of earnings up to \$20,000, and
 - expenses to assist in a **victim's** recovery.²⁷



Eligible for assistance as a secondary victim

Example: At the age of 16, Emily was the **victim** of a violent assault and suffered severe brain injuries. After becoming aware of the assault and of Emily's injuries, her mum Michelle developed anxiety and lost income as she became Emily's main carer and could no longer work full-time as a teacher. Michelle applied to the FAS to help pay for counselling to assist with her anxiety and for her lost income. The FAS provided financial **assistance** to Michelle for counselling and loss of earnings as they directly resulted from Emily being the **victim** of a **violent act**.

²⁷ Section 14 of the Act.

The FAS will not make a payment for expenses **incurred** through loss of or damage to a person’s property.²⁸



Not eligible for assistance as a secondary victim

Example: Martin was a witness to an assault that occurred in front of his home. After the **victim** was assaulted, the **offender** threw a large rock through Martin’s window and damaged his TV. Although Martin was a witness to a **violent act**, the FAS cannot provide him with **assistance** for the damage to his window and the TV.

17.1 Counselling expenses

Secondary victims are eligible for **assistance** to pay for costs associated with reasonable counselling services that have been **incurred**, or are reasonably **likely to be incurred**, in the future.²⁹ These services include counselling reports and counselling sessions. Evidence requirements for counselling expenses are explained further below.

Primary and **related victims** are also eligible for **assistance** to pay for counselling expenses.

Counselling services must be delivered by:

- an [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) registered psychologist
- counsellors who are a level 3 (minimum) member of the Australian Counselling Association or who are a ‘full clinical member’ or ‘certified practising member’ of the Psychotherapy and Counselling Federation of Australia
- mental health social workers who are accredited by the Australian Association of Social Workers, or
- social workers who are accredited by the Australian Association of Social Workers.

The FAS will consider other counselling professions who may not fit the above requirements, where the **applicant** has provided details about their skills and qualifications and the FAS considers them to be an appropriate counselling service provider.

As outlined in the **interim assistance** section, the FAS can pay for up to 5 counselling sessions to meet a **victim’s** immediate needs for counselling, without the need for a **victim** to provide documentary evidence of a psychological **injury**.

The number of counselling sessions the FAS may provide to an **applicant** will be based on the **applicant’s** needs and the information and evidence provided in the application.

Counselling sessions and evidence required

Counselling sessions	Evidence
Initial counselling sessions <i>The FAS will provide up to 5 sessions as</i>	Mandatory evidence Applicants must provide details in the application form to detail the need for counselling, including an explanation of the psychological injury resulting from the violent act .

²⁸ Section 14(4) of the Act.

²⁹ Section 10(2) of the Act.

<p><i>interim assistance for applicants' immediate needs.</i> See the interim assistance section for more information.</p>	<p>Applicants must provide one of the following for the cost of the counselling expense:</p> <ul style="list-style-type: none"> • an invoice or receipt for expenses already paid for, • a quote for expenses to be paid for in the future • a screenshot or other official outline of a counselling provider's fees • an email or other correspondence from the counselling provider with their fees, or • a letter or report that includes the counselling provider's fees.
<p>Additional counselling sessions (more than 20 sessions)</p>	<p>Mandatory evidence</p> <p>Applicants must provide a report which details the ongoing need for counselling. The report must be produced by an accredited mental health social worker, a non-psychologist/accredited social worker, a registered psychologist or psychiatrist and include:</p> <ul style="list-style-type: none"> • a description of the applicant's mental health needs • the proposed treatment • the cost of the treatment • the practitioner's opinion on the need for the additional sessions, and • the practitioners' opinion as to whether the need is directly a result of the violent act. <p>The FAS may request and pay for the applicant to get a counselling report after 20 sessions have been used.</p>

Sometimes the FAS will approve an **applicant's** future counselling expenses, rather than paying an **applicant's** expenses that they have already paid for. In applications where the FAS has decided to pay future **assistance** for expenses **likely to be incurred**, the FAS will pay for each service provided (such as a counselling session) once the service has been delivered and notice of its delivery has been provided to the FAS. This is different to applications where the FAS is reimbursing an **applicant** directly for expenses which were already **incurred** and paid for.

17.2 FAS Counselling expenses payment schedule

The FAS will pay the following fees paid as part of counselling **assistance**:

Counselling service	Practitioner type	Fee
Counselling reports		
<p><u>The FAS may pay for a counselling report if:</u></p> <ul style="list-style-type: none"> • a victim shows a need for additional counselling services 	Accredited Mental Health Social Worker/Counsellor (Non-Psychologist/Accredited Social Worker)	Up to \$385
	Registered Psychologist	Up to \$385
	Psychiatrist	Up to \$790

<ul style="list-style-type: none"> • a victim applies for more than 20 sessions • the victim has already used 20 counselling sessions, and • the FAS has pre-authorized the payment of the report. 	Non-treating psychologist or psychiatrist. This is a psychologist or psychiatrist who is not the applicants regular treating practitioner and is engaged for the purposes of producing a one-off counselling report.	\$475 to \$790
Counselling sessions		
30-minute individual counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$105
	Accredited Mental Health Social Worker	\$115
	Registered Psychologist	\$125
60-minute individual counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$175
	Accredited Mental Health Social Worker	\$190
	Registered Psychologist	\$210
90-minute individual counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$240
	Accredited Mental Health Social Worker	\$270
	Registered Psychologist	\$305
30-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$70 per person to a maximum of \$190
	Accredited Mental Health Social Worker	\$80 per person to a maximum of \$210
	Registered Psychologist	\$90 per person to a maximum of \$220

60-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$120 per person to a maximum of \$315
	Accredited Mental Health Social Worker	\$130 per person to a maximum of \$355
	Registered Psychologist	\$140 per person to a maximum of \$385

Applicants may choose their own counselling provider. If their counsellor charges more the amounts outlined above, the FAS will only pay up to the amount listed in the above fee table.

17.3 Medical expenses

Secondary victims are eligible for financial **assistance** to pay for reasonable medical services that have already been paid for or that they will have to pay for in the future because of the violent act.³⁰ Evidence requirements for medical expenses are explained further below. The **assistance** available for medical expenses for **secondary victims** is the same as **primary victims**.

The FAS will pay for the following types of medical expenses **incurred** or **likely to be incurred** by eligible **victims** where those expenses are reasonable:

- hospital and ambulance services
- x-rays, tests, and scans
- psychiatric and psychological treatment
- medication and basic medical equipment
- dental services
- optometry, including the replacement of prescription glasses
- physiotherapy
- chiropractic treatment
- hearing aids
- osteopathy
- speech pathology
- rehabilitation services
- acupuncture, and
- occupational therapy.

This is not an exhaustive list, and the FAS may also consider medical expenses which are not in the above list.

³⁰ Section 14(2)(b) of the Act.

If the [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) regulates the medical or health profession, the medical services must be provided by someone currently registered by AHPRA in that relevant profession. For medical professions not regulated by AHPRA, the FAS will consider the skills and qualification of the relevant professional.

17.3.1 What a secondary victim needs to show for medical expenses

An **applicant** must provide evidence of the need for the medical treatment as well as cost of the medical expense that has been or will be paid for.

Medical expenses – supporting evidence requirements

Mandatory evidence

Applicants must provide evidence of the cost of the medical expense. This includes:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- an email or other correspondence from the medical provider with their fees for expenses to be paid for in the future, or
- a letter or report that includes the medical provider's fees for expenses to be paid for in the future.

For quotes showing expenses to be paid for in the future, the FAS will not provide assistance until the service has been provided and an invoice or receipt has been given to the FAS.

Recommended evidence

Applicants are recommended to provide one of the following documents that detail the need for the medical expense:

- hospital records
- medical records
- medical certificate
- a report or letter by an AHPRA registered medical or health professional or for professions not regulated by AHPRA, a report or evidence which also details the skills and qualification of the relevant professional, or
- a report or letter by a mental health practitioner.

A medical report, letter or evidence of diagnosis must include:

- the proposed treatment
- the practitioner's opinion on how the proposed treatment would help recovery, and
- whether the need for the treatment is directly a result of the **violent act**.

17.4 Loss of earnings

[Secondary victims](#) are eligible in [exceptional circumstances](#) for financial **assistance** for loss of earnings because they are unable to work due to the [violent act](#). Evidence requirements for loss of earnings are explained further below.

[Primary victims](#) are also eligible for **assistance** for loss of earnings.

The FAS can provide **assistance** up to \$20,000 for the loss of earnings that has happened, or that is reasonably likely to happen in the future,³¹ this includes paid leave entitlements such as sick and annual leave that was taken due to the **violent act**.

A **victim's** loss of earnings must be because of their incapacity to work because of the **violent act**. This can be a partial or total incapacity to work.

The FAS can only provide **assistance** for lost earnings for a period up to two years from when the **violent act** occurred.³²

A total or partial incapacity means the **applicant** is no longer able to work completely or partially because of the **violent act**, which affects their ability to earn the same income before the **violent act** occurred.

17.4.1 What a secondary victim needs to show for loss of earnings

Secondary victims can demonstrate their loss of earnings by providing evidence of what they earned before the violent act along with evidence of their loss of capacity to work and their exceptional circumstances.



Showing an incapacity to work

Example: Prue works as a waitress in a café and went in to visit a coworker on her day off. While she was there, she witnessed a regular customer to the café threaten and assault her coworker. Prue would often serve this regular customer at the café. Prue has developed a psychological **injury** from this incident, including anxiety about leaving her house and going to the area where the café is located. Prue applies to the FAS for loss of earnings as her **injury** has prevented her from working for the past two weeks and she has lost any income she would have received in that time since the incident. After some initial counselling and support from her employer, Prue was able to return to work starting with one shift a week. A letter from her doctor has described her **injury** as causing an initial total incapacity to work, as being present at the café was essential to the performance of her role. The letter then specified that after some initial counselling and the support of her employer in flexible working conditions, she had partial capacity to work but is still unable to earn the same amount of income as she would have prior to witnessing the incident.

17.4.2 Showing exceptional circumstances

To decide whether a **secondary victim's** circumstances are exceptional, the FAS will consider the **victim's** needs and supporting evidence provided. Exceptional circumstances mean that the **victim's** circumstances are unusual, special, out of the ordinary, rare or outside reasonable anticipation or expectation.

Exceptional circumstances could include the **victim's** personal circumstances, the seriousness of the offence or **injury** suffered, any pre-existing factors such as **mental illness** or disability or cultural considerations.

Loss of earnings – supporting evidence requirements

Mandatory evidence

Applicants who have consistent income must provide one or more of the following for evidence of prior earnings:

³¹ Section 14(3)(a) of the Act.

³² Section 19 of the Act.

- income protection documents
- bank statements
- pay slips
- Australian Taxation Office records (for example, lodged income tax returns, notice of assessments and income statements) for the three financial years before the **violent act**, and when possible, the financial years between the date of the **violent act** and the end date of the period for which the loss of earnings claim is made.
- an employment contract
- documentation that verifies:
 - paid leave entitlements
 - WorkCover payments
 - Transport Accident Commission payments
 - Centrelink payments
 - all other payments received that the **applicant** is or may be entitled to during the period for which the loss of earnings claim is made.

Applicants who have inconsistent income must provide Australian Taxation Office records (for example, lodged income tax returns, notice of assessments and income statements) for the three financial years before the **violent act**, and when possible the financial years between the date of the **violent act** and the end date of the period for which the loss of earnings claim is made.

Applicants must provide one of the following documents detailing the applicant's injury and their diagnosis, their inability to work and duration of this inability provided by currently registered [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) medical or mental health professionals:

- a report or letter from a mental health practitioner, or
- a report or letter from a medical practitioner.

If an applicant is making a request for future lost earnings, then they must provide a report by a currently registered Australian Health Practitioner Regulation Agency (AHPRA) medical or mental health professional detailing their injury, diagnosis, their incapacity to work and the duration of the incapacity.

Recommended evidence

Applicants are recommended to provide any evidence that supports why their circumstances are exceptional. This could include:

- mental health practitioner reports or letters,
- medical or health professional reports or letters, or
- a statutory declaration explaining how their circumstances are exceptional.

Additional evidence

Applicants may want to consider providing additional documents supporting their loss of earnings. These documents could include:

- a letter from the applicant's employer detailing their past and/or current earnings
- statutory declaration about past and/or current earnings, or
- any other documentation relevant to the loss of earnings claim.

17.5 Recovery expenses

Secondary victims are eligible in **exceptional circumstances** for financial **assistance** for expenses to assist in their recovery from the **violent act**.³³ Recovery can mean a **victim's** emotional, physical, or mental recovery. The types of expenses which the FAS can pay as part of recovery expenses are varied.

Primary and **related victims** are also eligible for **assistance** to pay for recovery expenses.

Applicants must provide detail and documentary evidence to satisfy the FAS of **both** of the following:

- that their circumstances are exceptional, and
- that the **assistance** they are seeking will assist in their recovery from the **violent act**.

The FAS will consider every application on a case-by-case basis. Evidence requirements for recovery expenses are explained further below.

17.5.1 Showing exceptional circumstances

To decide whether a **victim's** circumstances are exceptional, the FAS will consider the **victim's** recovery needs, the supporting evidence provided and whether the expenses sought are reasonable. Exceptional circumstances mean that the **victim's** circumstances are unusual, special, out of the ordinary, rare or outside reasonable anticipation or expectation.

Exceptional circumstances could include the **victim's** personal circumstances, the seriousness of the offence or **injury** suffered, or any pre-existing factors such as **mental illness** or disability or cultural considerations.

The reasonable recovery expenses requested must:

- be to assist the victim in recovering from the **violent act**, and
- be proportionate to the **injury** which the victim has experienced.

Recovery expenses – supporting evidence requirements

Mandatory evidence

Applicants must provide one of the following for evidence of the cost of the recovery expense:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- a screenshot or other official outline of a product or service provider's fees, or
- an email or other correspondence from the vendor or service provider with their fees.

Recommended evidence

Applicants are recommended to provide one of the following documents to detail the need for recovery expenses and why their circumstances are exceptional:

- a report or letter by a mental health practitioner
- a report or letter by a medical or health professional, or

³³ Section 10(2)(d) of the Act.

- a report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service).

A report or letter must detail the following:

- an explanation as to how the **victim's** circumstances are exceptional, and
- the type of requested **assistance** and an explanation about how the **assistance** will assist in their recovery from the **violent act**.

Additional evidence

Applicants may want to consider providing additional documents supporting their application for recovery expenses to show why it is needed and why their circumstances are exceptional. This could include a statutory declaration explaining the exceptional circumstances and why the recovery expense is needed.

18. Assistance for related victims

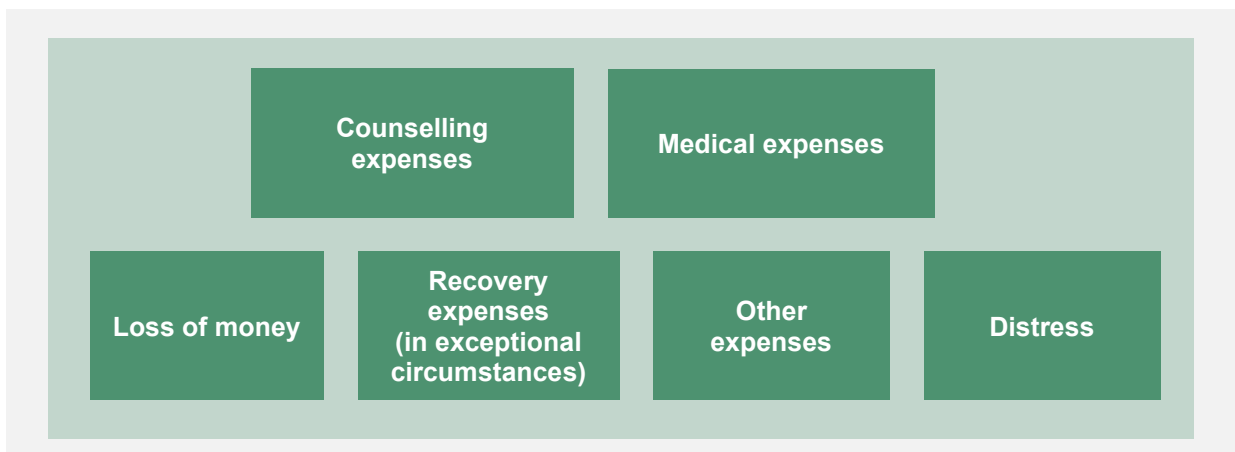
To assist with the recovery from losing a loved one because of a **violent act**, the FAS can pay [related victims](#) up to \$50,000 in financial **assistance**. This is in addition to payments for [funeral expenses](#).

Evidence requirements for **assistance** for **related victims** are explained further below.

The financial **assistance** the FAS will provide to **related victims** depends on what kind of expenses they have paid for or are likely to pay for in the future because of the death of their loved one, and whether the amount requested for the expense is reasonable.

The FAS can provide financial **assistance** to **related victims** for:

- counselling expenses
- medical expenses
- distress
- loss of income
- other expenses related to the loss of their loved one, and
- in exceptional circumstances, expenses to assist in a **victim's** recovery.³⁴



18.1 Counselling expenses

[Related victims](#) are eligible for **assistance** to pay for [reasonable counselling services](#) that have already been paid for or are reasonably likely to be paid for in the future.³⁵ These services include counselling reports and counselling sessions. Evidence requirements for counselling expenses are explained further below.

[Primary](#) and [secondary](#) victims are also eligible for **assistance** to pay for counselling expenses.

Counselling services must be delivered by:

- an [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) registered psychologist

³⁴ Section 16(3) of the Act.

³⁵ Section 16(2) of the Act.

- counsellors who are a level 3 (minimum) member of the Australian Counselling Association or who are a ‘full clinical member’ or ‘certified practising member’ of the Psychotherapy and Counselling Federation of Australia
- mental health social workers who are accredited by the Australian Association of Social Workers
- social workers who are accredited by the Australian Association of Social Workers, or
- other counselling professionals who do not fit the above requirements, but the FAS has considered their skills and qualifications and considers them to be an appropriate counselling service provider.

The FAS will consider other counselling professions who may not fit the above requirements, where the **applicant** has provided details about their skills and qualifications and the FAS considers them to be an appropriate counselling service provider.

As outlined in [interim assistance](#), the FAS can pay for up to 5 counselling sessions to meet a **victim’s** immediate needs for counselling, without the need for a victim to provide documentary evidence of a psychological **injury**.

The number of counselling sessions the FAS may provide to an **applicant** will be based on the **victim’s** needs and the information and evidence provided in the application.

Counselling sessions and evidence required

Counselling sessions	Evidence
<p>Initial counselling sessions and interim assistance</p> <p><i>The FAS will provide up to 5 sessions as interim assistance for applicants’ immediate needs. See interim assistance for more information.</i></p>	<p>Mandatory evidence</p> <p>Applicants must provide details in the application form to detail the need for counselling and include an explanation of the psychological injury resulting from the violent act.</p> <p>Applicants must provide one of the following for the cost of the counselling expense:</p> <ul style="list-style-type: none"> • an invoice or receipt for expenses already paid for • a quote for expenses to be paid for in the future • a screenshot or other official outline of a counselling provider’s fees • an email or other correspondence from the counselling provider with their fees, or • a letter or report that includes the counselling provider’s fees.
<p>Additional counselling sessions (more than 20 sessions)</p>	<p>Mandatory evidence</p> <p>Applicants must provide a report which details the ongoing need for counselling. The report must be produced by an accredited mental health social worker, a non-psychologist/accredited social worker, a registered psychologist or psychiatrist and include:</p> <ul style="list-style-type: none"> • a description of the applicant’s mental health needs • the proposed treatment • the cost of the treatment • the practitioner’s opinion on the need for the additional sessions, and

	<ul style="list-style-type: none"> the practitioner's opinion as to whether the need is directly a result of the violent act. <p>The FAS may request and pay for the applicant to get a counselling report after 20 sessions have been used.</p>
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Sometimes the FAS will approve an **applicant's** future counselling expenses. In applications where the FAS has decided to pay future **assistance** for expenses **likely to be incurred**, the FAS will pay for each service provided (such as a counselling session) once the service has been delivered and notice of its delivery has been provided to the FAS. This is different to applications where the FAS is reimbursing an **applicant** directly for expenses which were already **incurred** and paid for.

18.2 FAS counselling expenses payment schedule

The FAS will pay the following fees paid as part of counselling **assistance**:

Counselling service	Practitioner type	Fee
Counselling reports		
<p><u>The FAS may pay for a counselling report if:</u></p> <ul style="list-style-type: none"> a victim shows a need for additional counselling services a victim applies for more than 20 sessions the victim has already used 20 counselling sessions, and the FAS has pre-authorized the payment of the report. 	Accredited Mental Health Social Worker/Counsellor (Non-Psychologist/Accredited Social Worker)	Up to \$385
	Registered Psychologist	Up to \$385
	Psychiatrist	Up to \$790
	Non-treating psychologist or psychiatrist. This is a psychologist or psychiatrist who is not the applicant's regular treating practitioner and is engaged for the purposes of producing a one-off counselling report.	\$475 to \$790
Counselling sessions		
30-minute counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$105
	Accredited Mental Health Social Worker	\$115
	Registered Psychologist	\$125
60-minute counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$175

	Accredited Mental Health Social Worker	\$190
	Registered Psychologist	\$210
90-minute counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$240
	Accredited Mental Health Social Worker	\$270
	Registered Psychologist	\$305
30-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$70 per person to a maximum of \$190
	Accredited Mental Health Social Worker	\$80 per person to a maximum of \$210
	Registered Psychologist	\$90 per person to a maximum of \$220
60-minute group or family counselling session	Counsellor (Non-Psychologist/Accredited Social Worker)	\$120 per person to a maximum of \$315
	Accredited Mental Health Social Worker	\$130 per person to a maximum of \$355
	Registered Psychologist	\$140 per person to a maximum of \$385

Applicants may choose their own counselling provider. If their counsellor charges more the amounts outlined above, the FAS will only pay up to the amount listed in the above fee table.

18.3 Medical expenses

Related victims are eligible for financial **assistance** to pay for **reasonable medical services** that have already been paid for or are reasonably likely to be paid for in the future because of the **violent act**.³⁶ Evidence requirements for medical expenses are explained further below.

Primary and **secondary** victims are also eligible for **assistance** to pay for medical expenses.

The FAS **will pay for** the following types of medical expenses **incurred** or **likely to be incurred** by eligible victims where those expenses are reasonable:

- psychiatric and psychological treatment

³⁶ Section 16(2) of the Act.

- medication and basic medical equipment
- acupuncture, and
- occupational therapy.

This is not an exhaustive list, and the FAS may also consider medical expenses which are not in the above list.

If the [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) regulates the medical or health profession, the medical services must be provided by someone currently registered by AHPRA in that relevant profession. For medical professions not regulated by AHPRA, the FAS will consider the skills and qualification of the relevant professional.

18.3.1 What a related victim needs to show for medical expenses

Applicants must provide evidence of the need for the medical treatment as well as the cost of the medical expense that has been or will be paid for.

Medical expenses - supporting evidence requirements

Mandatory evidence

Applicants must provide evidence of the cost of the medical expense. This could include:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future
- an email or other correspondence from the medical provider with their fees for expenses to be paid for in the future, or
- a letter or report that includes the medical provider's fees for expenses to be paid for in the future.

For quotes showing expenses to be paid for in the future, the FAS will not provide assistance until the service has been provided and an invoice or receipt has been given to the FAS.

Recommended evidence

Applicants are recommended to provide one of the following documents that details the need for the medical expense:

- hospital records
- medical records
- medical certificate
- a report or letter by an AHPRA registered medical or health professional, or for professions not regulated by AHPRA, a report or evidence which also details the skills and qualification of the relevant professional, or
- a report or letter by a mental health practitioner.

A medical report, letter or evidence of diagnosis must include:

- the proposed treatment
- the practitioner's opinion on how the proposed treatment would help recovery, and
- whether the need for the treatment is directly a result of the passing of their loved one.

18.4 Distress

Related victims are eligible for **assistance** to be paid in recognition of the distress already experienced, or likely to be experienced, due to the passing of a loved one.³⁷

The FAS will pay a distress payment to **related victims**, provided they can show:

- they are a **related victim** (see section – [related victims](#) for more information), and
- they had a genuine personal relationship with the **primary victim** at the time of their death.

The payment amounts for different **related victims** are as follows:

Relationship to primary victim	Flat payment amount
Spouse or domestic partner of the primary victim	\$20,000
Children and step-children of the primary victim	\$20,000
Parents guardians or step-parents of the primary victim	\$20,000
Siblings or step-siblings of the primary victim	\$20,000
A person who had an intimate personal relationship with the primary victim	\$6,500
Any other close family members of the primary victim	\$6,500
Financial dependants of the primary victim (non-child dependant)	\$6,500

The FAS can also make additional payments if certain criteria are met, in consideration of the **related victim's** individual circumstances and distress suffered.

18.4.1 Exceptional nature of relationships

There may be circumstances where the nature of the relationship between a **related victim** and **primary victim** is not reflected by the relationship title as outlined [above](#). In these instances, the **related victim** should provide evidence to demonstrate why the nature of their relationship with the **primary victim** means that they should be considered under a different relationship category for the purposes of this **assistance type**.

- Recognition that a “close family member” has a particularly close relationship with the primary deceased victim**

Example: Lily is Alice's aunt. Alice passed away as a result of a **violent act**. When Alice was very young, her parents passed away and Lily raised her as her own child. This included assuming all caring responsibilities and Lily grieves Alice's death as if she lost her own child. Lily submits evidence that not only is she a **close family member** of Alice, but she was like a parent, and Alice would have considered her as such at the time of her passing. The FAS recognises Lily as if she was Alice's parent and decides to pay \$20,000.

Evidence requirements for distress are explained further below.

³⁷ Section 16(2)(c) of the Act.

Distress - supporting evidence requirements**Mandatory evidence**

Applicants must provide evidence of the relationship between themselves and their loved one.

Applicants may have already provided documentation that establishes their relationship to show their eligibility as a **related victim** (see [related victims](#) for more information). If so, **applicants** do not need to provide those same documents again.

Documents which can be used to demonstrate the nature of the relationship between the **primary victim** and the **related victim** can include:

- marriage, birth, or relationship certificates
- statutory declarations, or
- any other document that shows the relationship between the **applicant** and their loved one, including exchange of text messages, photos, receipts of activities spent together, cards, gifts exchanged, and cultural activities undertaken together.

18.5 Loss of money

[Related victims](#) are eligible for **assistance** for the loss of money that they would have been reasonably likely to receive within the next two years from a loved one if it weren't for their passing.³⁸ Evidence requirements for loss of money are explained further below.

18.5.1 What a related victim needs to show for loss of money

Applicants need to show evidence that they relied upon this money and why they expected to continually receive the money.

Loss of money - supporting evidence requirements**Mandatory evidence**

Applicants must provide one or more of the following documents as evidence of financial support being received from the primary victim:

- bank statements
- details of all other payments received that the **applicant** is or may be entitled to during the period for which the loss of money claim is made
- any other document that shows the money being received by the related victim.

Applicants must also provide one or more of the following documents to show that the money was relied upon and that it was expected to be continually received:

- statutory declaration detailing how the money was relied upon and expected to be continually received
- bank statements
- messages between the **applicant** and their loved one agreeing to make payments

³⁸ Section 16(2)(d) of the Act.

- any other document that shows that the money was relied upon and was expected to be continually received.

18.6 Other reasonable expenses incurred or likely to be incurred by the related victim

The FAS can pay **assistance** to **related victims** for other reasonable expenses **incurred** or **likely to be incurred** as a direct result of the loss of their loved one. The FAS will consider applications for other expenses on a case-by-case basis. The FAS will not pay other expenses which are already captured by another **assistance type**.

18.7 Recovery expenses

Related victims are eligible in **exceptional circumstances** for financial **assistance** with expenses to assist in their recovery from the passing of their loved one.³⁹ Recovery can mean a **victim's** emotional, physical or mental recovery. The types of expenses which the FAS can pay as part of recovery expenses are varied.

Primary and **secondary** victims are also eligible for **assistance** to pay for recovery expenses in exceptional circumstances.

Applicants must provide documentary evidence to satisfy the FAS of **both** of the following:

- that their circumstances are exceptional, and
- that the **assistance** they are seeking will assist in their recovery from the passing of their loved one.

The FAS will consider every application on a case-by-case basis. Evidence requirements for recovery expenses are explained further below.

18.7.1 Showing exceptional circumstances

To decide whether a **victim's** circumstances are exceptional, the FAS will consider the **victim's** recovery needs, the supporting evidence provided and whether the expenses sought are reasonable. Exceptional circumstances mean that the **victim's** circumstances are unusual, special, out of the ordinary, rare or outside reasonable anticipation or expectation.

Exceptional circumstances could include the **victim's** personal circumstances, the seriousness of the offence, or any pre-existing factors such as **mental illness** or disability, or cultural considerations.

The reasonable recovery expenses requested must be to assist the **victim** in recovering from the passing of their loved one.

Recovery expenses - supporting evidence requirements

Mandatory evidence

Applicants must provide one of the following for evidence of the cost of the recovery expense:

- an invoice or receipt for expenses already paid for
- a quote for expenses to be paid for in the future

³⁹ Section 10(2)(d) of the Act.

- a screenshot or other official outline of a product or service provider's fees, or
- an email or other correspondence from the vendor or service provider with their fees.

Recommended evidence

Applicants are recommended to provide the following documents to detail the need for recovery expenses and why their circumstances are exceptional:

- a report or letter by a mental health practitioner
- a report or letter by a medical or health professional, or
- a report or letter by a social worker or other support worker (for example, from an Orange Door or specialist sexual assault service).

A report or letter must detail the following:

- an explanation as to how the **victim's** circumstances are exceptional, and
- the type of requested **assistance** and an explanation about how the **assistance** will assist in their recovery from the **violent act**.

Additional evidence

Applicants may want to consider providing additional documents supporting their application for recovery expenses to show why it is needed and why their circumstances are exceptional. This could include a statutory declaration explaining the exceptional circumstances and why the recovery expense is needed.

19. Funeral expenses

The FAS can provide **funeral expenses** to an applicant for the costs associated with the funeral of a **primary victim**.

19.1 Eligibility for funeral expenses

To be eligible for financial **assistance** for funeral expenses, an **applicant** must show that:

- a **violent act** occurred
- the person passed away as a direct result of the **violent act** (that they were a **primary victim**), and
- the **applicant** has **incurred** expenses for their funeral, or will incur funeral expenses in the future.⁴⁰

A person applying for funeral expenses does not have to be a **victim** themselves and does not have to establish a particular relationship with the primary victim.

When applying for funeral expenses, the FAS must be satisfied that the person who passed away did so directly because of a **violent act**, and that they fit the requirements of a '**primary victim**'. This includes considering the **character** of the **primary victim**.



Eligible for funeral expenses

Example: Danielle was violently assaulted by her partner, resulting in serious head injuries which left her in a coma on life support. Eventually, the decision was made to turn off her life support and her partner was charged with murder.

Danielle's mother paid for her memorial service and burial.

The FAS provided funeral **assistance** to Danielle's mother as she had paid for the funeral, and as Danielle passed away because of the **violent act**.

If an **applicant** is also a **primary, secondary or related** victim, they can apply for funeral expenses at the same time as other types of **assistance**. Funeral expenses are treated separately and do not count as a part of the maximum amount of financial **assistance** available to **victims**.⁴¹

19.2 Types of funeral expenses

The FAS will pay up to \$19,627 for eligible **applicants** who have paid for, or will pay for in the future, reasonable expenses to conduct a funeral for a **primary victim**.

This may include expenses such as:

- professional costs, including Funeral Director fees
- embalming
- transportation of deceased to/from cemetery/crematorium
- cemetery fees including plot and interment fees

⁴⁰ Section 17(1) of the Act.

⁴¹ Section 17(2) of the Act.

- coffin/casket
- memorialisation costs including identification plaque
- ceremonial costs
- audio-visual/live streaming equipment
- miscellaneous costs including flowers, shroud, press notice, death certificate, clergy, or celebrant, and
- other expenses that the FAS considers reasonable to conduct a funeral.

If the **primary victim** is to be repatriated overseas, the FAS can pay reasonable funeral costs for:

- funeral director service fees
- burial or cremation outside of Australia
- mortuary
- coffin
- metal liner
- consulate fees, and
- the reasonable cost of air freight and transfer fee to the country of residency.

19.3 What an applicant needs to show for funeral expenses

An **applicant** must provide evidence to show that the funeral is for a person who passed away because of a **violent act** ([primary victim](#)) and that expenses for that funeral have either been paid or are likely to be paid for in the future.

Funeral expenses - supporting evidence requirements

Mandatory evidence

Applicants must provide details in their application form about what types of expenses are sought for the funeral.

Applicants must provide the following documents as evidence that they have paid, or will pay for funeral expenses:

- invoices and receipts for expenses already paid for, or
- quotes for expenses to be paid for in the future.

Additional evidence

Applicants should provide one of the following documents as evidence that the person passed away because of a **violent act**:

- death certificate
- medical certificate showing the cause of death
- hospital records
- Coroner's report, or
- any other relevant document the **applicant** may have.

20. Legal costs

Although the FAS is designed to be accessible for all **victims**, some victims may benefit from assistance from a lawyer. The FAS will pay reasonable **legal costs incurred** in representing a victim with a complex application, including complex [FAS variation applications](#) or complex [VOCAT variation applications](#). The FAS will not pay **legal costs** associated with [internal review](#) applications.

A lawyer must not:

- charge or recover from an **applicant** any **legal costs incurred** for representing or assisting the **applicant** to apply for the FAS, unless otherwise allowed by the FAS⁴²
- claim a lien over any amount of **assistance** granted to the **applicant**,⁴³ or
- withhold any legal or other costs or amounts from any amount of **assistance** granted to an **applicant**.⁴⁴

The FAS will not pay **legal costs** if an application:

- is frivolous or vexatious
- is an abuse of process, or
- does not, on the factual and legal material available to the lawyer at the time of filing the application, have any reasonable prospects of success.

20.1 Claiming legal costs

For the FAS to pay **legal costs**, lawyers must:

- have been listed as the **victim's** [Authorised Representative](#)
- have a practising certificate at the time of assisting the **victim** with their application, and
- provide reasons in their request for **legal costs** explaining why the application should be considered complex.

The FAS will consider the lawyer's explanation and information on the **victim's** application when deciding whether an application is complex. The FAS will pay **legal costs** associated with an application as outlined in the following table. The FAS will only consider paying **legal costs** above the amounts listed, or outside the circumstances identified in the below table in exceptional circumstances, and only where the lawyer provides an appropriate explanation of the additional work undertaken.

Application type	When the FAS will pay legal costs	Legal costs available
Complex applications Lawyers will be able to	The FAS will pay legal costs for a complex application. Complexity factors include where an application involves: <ul style="list-style-type: none"> • character considerations • special circumstances for not reporting to, or assisting, police 	Up to \$1,100

⁴² Section 25(2)(a) of the Act.

⁴³ Section 25(2)(b) of the Act.

⁴⁴ Section 25(2)(c) of the Act.

<p>apply for additional costs by exception.</p>	<ul style="list-style-type: none"> • a finding of not guilty in a court outcome in relation to the violent act supporting the application • an applicant who is suffering from trauma • an out of time application • a significant number of related acts • multiple related acts and multiple injuries • a victim with complex injuries • documentary evidence that the lawyer must source from third parties • a notice of intention to refuse the application from the FAS • a victim who may face barriers or structural inequalities or disadvantages in accessing the FAS without legal representation, which may include: <ul style="list-style-type: none"> ○ Aboriginal and Torres Strait Islander peoples ○ culturally and linguistically diverse communities ○ LGBTQIA+ communities ○ children and young people ○ older people ○ people who have recently arrived in Australia ○ refugees and asylum seekers ○ people with low education levels or who have difficulty reading and writing ○ social exclusion (victims of crime that are marginalised or lack social support) ○ disability or health issues, including mental health issues ○ people experiencing substance dependence or homelessness ○ people in State custody or mental health facilities ○ people who have limited access to technology or require support to access technology. 	
<p>Associated applications</p>	<p>The FAS will pay legal costs for an associated application. An associated application is an application connected to another lead application. This includes where a lawyer is representing:</p> <ul style="list-style-type: none"> • multiple family members of the same deceased primary victim, or • multiple victims of the same incident or violent act. <p>Associated applications must also meet the complexity factors above.</p>	<p>Up to \$330 for an associated application</p> <p>Up to \$1,100 for the lead application</p>
<p>Complex variation applications</p>	<p>The FAS will pay legal costs for a complex variation application. Complexity factors include where a variation involves:</p> <ul style="list-style-type: none"> • character considerations which are relevant to a variation application 	<p>Up to \$330</p>

	<ul style="list-style-type: none">• substantive variations of a VOCAT award• documentary evidence that the lawyer must source from third parties to support the variation, and• a victim who may face barriers seeking a variation application without legal representation.	
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21. Character

When deciding whether to pay **assistance** to an **applicant**, or how much to pay, the FAS must take into account:

- an applicant's character, **behaviour** and **attitude** (including primary, secondary or related victims, or **applicants** for funeral expenses applications)
- in the case of a related victim application, the character, **behaviour** and **attitude** of the deceased **primary victim**, and
- the criminal history of **primary**, **secondary**, **related** and deceased **primary victims**, and **applicants** for **funeral expenses** applications, but only if relevant.

When deciding whether to pay **assistance** to an **applicant**, or how much to pay, the FAS will take into account:

- in the case of a **funeral expenses** application, the deceased **primary victim's** character, **behaviour**, **attitude** and relevant past criminal history.

When taking into account the character, **behaviour**, **attitude** or a criminal history, the FAS may refuse the application or reduce the amount of **assistance** to be paid.

21.1 When character may impact the outcome of an application

An **applicant** or **victim's** character, **behaviour**, **attitude** or criminal history may impact the outcome of an application when:

- their character, **behaviour**, **attitude** or criminal history is connected to the **violent act** that their application is based on, or
- they have a serious criminal history and the FAS considers this relevant.

The FAS will consider the individual circumstances of each application.

If the FAS finds that an **applicant** or **victim's** character, behaviour, attitude or criminal history may impact the outcome of an application, the FAS will notify the applicant and invite them to provide further information and evidence about the issue.

21.1.1 When the victim's character is connected to the violent act

When character is connected	When character is not connected
<p>The FAS will usually decide that there <u>is a connection</u> between the applicant or victim's character, behaviour, attitude or criminal history and the violent act when they:</p> <ul style="list-style-type: none"> • are involved in the violent act but may not be responsible for it • were involved in other connected criminal behaviour when the violent act was committed • have been associated with the offender through other or previous criminal activity, or 	<p>The FAS will usually decide that there is <u>no connection</u> between the applicant or victim's character, behaviour, attitude or criminal history and the violent act when they:</p> <ul style="list-style-type: none"> • used drugs or alcohol before or during the violent act but the drug or alcohol use is not connected to the violent act, or • were involved in sex work before or at the time of the violent act, or • they were involved with the police at the time of the violent act.

- were involved in past criminal events that led to retaliation or retribution against them in the form of the **violent act**.

Character is not connected to the violent act

Example: Jasmin applied for financial **assistance** after being sexually assaulted. Jasmin has been homeless for many years and has occasionally worked as a sex worker. Jasmin has criminal convictions including for theft and drug possession. These convictions are not relevant to Jasmin's application for **assistance** because Jasmin's drug use and theft convictions are not connected to the **violent act** and will not be considered by the FAS.

Character impacts the outcome

Example: Tyler has no history of violence or criminal **behaviour**, but one night he initiated a fight that left him and several bystanders seriously injured. In addition to causing **injury** to the other bystanders, Tyler suffered injuries requiring hospitalisation and ongoing medical treatment, as well as PTSD requiring ongoing counselling. Due to the physical and mental impact of the assault, Tyler was unable to work. The FAS decides that Tyler's **behaviour** and criminal activity is relevant as he initiated the fight, which had a considerable impact on several other victims and witnesses present.

21.1.2 When an applicant or victim has a serious criminal history

The FAS can consider an **applicant** or **victim's** criminal history to be relevant to the outcome of an application when they have a serious criminal history.

When considering this, the FAS will consider their past criminal history and their circumstances, and the impact this has had on the community.

The FAS will generally consider a **victim** to have a serious criminal history when they have been:

- sentenced to a term of imprisonment for five years or longer for an offence against the law of the Commonwealth, a State or Territory, or
- convicted of an offence which is a category 1 or 2 offence within the meaning of section 3 of the *Sentencing Act 1991*.

Criminal history is relevant because it is serious and impacts the community

Example: Darren was assaulted in prison which resulted in him breaking his arm and nose. Darren has an extensive criminal history, including two murder convictions and several serious **sexual offence** convictions that caused significant public fear and outrage. Due to the significant impact his crimes have had on the community and the seriousness of his criminal history, the FAS considers Darren's criminal history is relevant.

21.2 Character and the outcome of an application

When the FAS identifies a character issue that may impact an application, the FAS will then decide what impact it has on the application outcome. If the FAS identifies a character issue in an **applicant** or

victim's application, the **applicant** will be notified and invited to provide further information and evidence about the issue.

Generally, the FAS will take the following approach when deciding what impact a character issue has on the outcome of an application but will consider each application based on its circumstances.

Seriousness of character issue	Impact on application outcome
Significant character issue identified	The FAS refuses the application for assistance .
Serious character issue identified	The FAS partially refuses the application, meaning the FAS refuses the application for special financial assistance, distress or other specific assistance types .
Moderate character issue identified	The FAS approves the application for assistance but reduces the amount of special financial assistance by 25% of the maximum or another appropriate amount, or reduces the amount of distress assistance by 25% or other appropriate amount.
Minor character issue identified	The FAS approves the application with no impact on the amount of assistance .

When deciding the seriousness of the character issue and the impact of the **applicant** or **victim's** character on the outcome, the FAS will consider:

- the **applicant** or **victim's** circumstances
- the seriousness of the character circumstances and its impact on the community, and
- the **applicant** or **victim's** recovery needs compared to the character consideration.



Character impacts the outcome

Example: Tim assaulted Mike. Later, Tim received threatening text messages from Mike who stated that Tim must meet him. Tim agreed to meet Mike and brought three of his own friends for protection. One of his friends threw a glass bottle at Mike, hitting him in the face. Mike thought that Tim had thrown the bottle and stabbed Tim, causing him very serious injuries.

Tim applied to the FAS for special financial assistance and medical expenses. The FAS considers the application and decides to pay medical expenses but refuses Tim's application for special financial assistance as Tim's actions directly contributed to the events leading up to the **violent act**.



Character impacts the amount of special financial assistance

Example: Peter has a criminal history for trafficking drugs of dependence and has served multiple terms of imprisonment for drug trafficking and offences related to organised crime. One day, Peter is the victim of a random carjacking.

The FAS decides a character issue is identified as it includes a serious criminal history. The FAS decides to reduce the amount of special financial assistance to be paid to Peter by 25 per cent.

Character issue not identified

Example: Jamie has been experiencing homelessness on and off for a number of years, during which time they received multiple criminal convictions for shop theft. In 2020, a friend invited Jamie to stay overnight and then sexually assaulted them. Jamie suffered multiple physical and psychological **injuries** which are likely to be permanent. They also confirmed that they are not likely to receive compensation or support from any other schemes. The FAS considers Jamie's past criminal convictions to be unconnected to the sexual assault and does not consider them to be serious convictions to impact the outcome of their application.

22. Payments from other schemes

Victims may be eligible for **assistance**, payment, or compensation from other schemes for the same expense or **violent act**. Victims should consider their circumstances when deciding if they are eligible for other schemes and may want to seek advice on any other entitlements they may have.

Applicants must include details in their application about:

- any assistance they have received from another scheme for the same loss or expense
- any insurance payments received, including for funeral expenses
- applications they have made or are going to make to other schemes, or
- court proceedings involving damages or compensation.

Applicants must provide details of the following other payments or applications for other assistance in their application:

- common law damages (such as from a personal injury matter)
- insurance payments received, such as for funeral expenses or income protection insurance
- compensation orders made by a criminal court under the *Sentencing Act 1991* after the **offender** has been found guilty of a crime related to the **violent act**
- payments from the Transport Accident Commission (TAC) if the **violent act** was an accident on the road (including if the victim was a pedestrian or a cyclist)
- payments from the Victorian WorkCover Authority (WorkSafe) if the **violent act** happened at work or was related to the workplace
- payments from a Family Violence Flexible Support Package
- payments from a Victims Assistance Program
- payments from the Restorative Engagement and Redress Scheme for former or current Victoria Police employees (Police Redress Scheme)
- any insurance payments or Medicare payments for the same loss or expense, or
- any other assistance, payment, or compensation.

Applicants do not have to provide details of any payments the victim has or are likely to receive from the National Redress Scheme for people who have experienced institutional child sexual abuse, as the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* protects these payments from being considered by other schemes.

22.1 When the FAS will reduce assistance because of other payments

The FAS must reduce the financial **assistance** it pays to victims by the amount a victim has received from another scheme for the same loss or expense.⁴⁵ When deciding whether the payment is for the same loss or expense, the FAS will look at the nature and purpose of the other payment.

The FAS can also reduce financial **assistance** by the amount of any payment a victim is reasonably likely to receive from another scheme for the same loss or expense. A victim is 'reasonably likely' to receive another payment if there is a real chance of them receiving that other payment and not merely being

⁴⁵ Section 18(1)(a) of the Act

eligible for it. This includes considering whether the victim has applied to another scheme for the same loss or expense and whether they are likely to receive another payment.



Reduction of assistance because of other payments

Example: Josef was assaulted at work. He injured his eye and developed anxiety and depression. He received payment from WorkCover for medical expenses for his eye, and counselling costs to help with his anxiety and depression. Josef applied to the FAS and provided evidence of the payments from WorkCover. As he received assistance for counselling and medical costs, the FAS cannot provide **assistance** for these costs. The FAS can however provide other **assistance** such as special financial assistance as Josef is a **primary victim**.

23. Repayments

The FAS has the power to require **victims** to repay **assistance** in the following limited circumstances:

Circumstance	Required repayment
When the FAS pays a victim interim assistance , but later refuses the application.	The FAS may require a victim to repay the amount of interim assistance paid.
When a victim receives a payment from another scheme, such as TAC or WorkCover and the FAS has paid the victim for the <u>same</u> type of assistance.	The FAS may require repayment of any assistance already paid by the FAS for that same assistance type .
Where a victim receives a reduction in their payment following a <u>variation</u> or <u>internal review</u> application.	The FAS may require a victim to repay the difference between the original amount and the new amount.

The FAS will generally only require **assistance** to be repaid in limited circumstances and after carefully considering the circumstances.

If an application is refused for any reason, this will not automatically result in the victim being required to repay interim **assistance**.

When deciding whether a victim should repay **assistance**, the FAS will consider:

- the **victim's** circumstances and the impact that repayment will have on the victim
- the amount of **assistance** that may need to be repaid
- the circumstances leading to the potential repayment, including whether there was any dishonesty involved, and
- any other relevant circumstances.

23.1 Repayment process

If the FAS decides that a **victim** must repay assistance, it will notify the victim in writing and advise of the amount to be repaid, the reasons for requiring repayment, when the payment is due, and how the victim can make the payment.

A victim can apply for internal review of a decision to require repayment.

24. Variation of a VOCAT award

A variation application is a request to change an **award** of assistance made by the **Victims of Crime Assistance Tribunal (VOCAT)**. **VOCAT** can no longer accept any new variation applications and all new variation applications must be decided by the FAS.⁴⁶

The FAS can vary a **VOCAT award** for many reasons, this could be because the **victim** needs:

- to change the conditions of the **assistance**, such as needing to attend a new psychologist or counsellor
- to change the amount of **assistance**, such as needing an increase in assistance to cover an increase in a service provider's costs
- a new type of **assistance**, such as where a **victim's** needs or circumstances have changed, and they now need different or additional **assistance**.

These examples are not a complete list, and the FAS can vary **VOCAT awards** for many different reasons to respond to victims' needs.

The FAS can pay **assistance** up to an **applicant's** maximum **assistance cap**, which is \$60,000 for **primary victims** and \$50,000 for **secondary victims**.

The maximum amount of **assistance** a **related victim** can receive from the FAS is \$50,000, as the maximum amount of the **VOCAT related victim** pool no longer applies.

For the FAS to vary a **VOCAT award**, an **applicant** must:

- already have an **award** from **VOCAT**
- submit their variation application to the FAS within the relevant time limits
- have fresh evidence or changed circumstances since **VOCAT** last paid **assistance**, and
- explain what the further **assistance** is and how it will assist in their recovery from the **violent act**.

If **VOCAT** has already refused the **applicant's** variation application, the **applicant** must show that their circumstances have changed before the FAS can reconsider their variation application.⁴⁷

24.1 Variation time limits

Age of victim at the time of the VOCAT award	Time limit to apply to the FAS
Victim was 18 years or older	Six years from the date VOCAT made the award
Victim was a child	Up until the victim turns 24 years old ⁴⁸ (before their 24 th birthday)

The FAS cannot extend time for victims to submit variation applications beyond these time limits. This means that if an **applicant** files a variation application out of time, the FAS will refuse this application.

⁴⁶ Section 74(1) of the Act.

⁴⁷ Section 31(1)(c) of the Act.

⁴⁸ Section 74(2) of the Act.

24.2 Minor and substantive variations

The FAS must decide whether the application is a **minor** or **substantive variation**. To decide this, the FAS will look at:

- the reasons for the **VOCAT award**
- the reasons for the new **assistance**
- how the further **assistance** relates to the original **VOCAT award**, and
- the material provided with the original **VOCAT** application.

The differences between minor and substantive variations are outlined below:

Variation	Number of variation applications allowed	Definition of type of variation	Examples of variations
Minor ⁴⁹	No limit	<p>A minor variation is a variation which gives effect to the original intention of the VOCAT award.</p> <p>Minor variations help applicants respond to small changes in circumstances so they can access the assistance VOCAT wanted to provide.</p>	<ul style="list-style-type: none"> • Increasing the amount of assistance to cover an increase in fees or additional assistance for assistance already awarded. • Changing a service provider for assistance already awarded where a victim or a service provider's circumstances have changed. • Seeking more of the same type of treatment (such as additional counselling for the same trauma).
Substantive ⁵⁰	One	<p>A substantive variation is any other type of variation.</p> <p>Substantive variations add extra assistance to an award by adding a completely new type of assistance.</p>	<ul style="list-style-type: none"> • Requesting a completely new type of assistance because of a change of circumstances. • Requesting further assistance where there is no link between the assistance already paid, and new assistance.

⁴⁹ Section 74(4) of the Act.

⁵⁰ Section 74(4) of the Act.

✔ **Minor variation**

Example: VOCAT awarded Donna \$1,500 for dental expenses to complete minor reconstructive surgery. After some time, it becomes clear that Donna's surgery was not successful, and Donna's dentist identifies further injuries that need attention at an estimated cost of \$8,000.

Donna applies to the FAS for a variation of her **VOCAT award** for additional medical expenses of \$8,000. Donna provides documents from her dental surgeon describing how the nature of her **injury** has changed but remains connected to the **injury** and provides a recommendation for further surgery. The FAS decides Donna's variation application is minor, as the additional **assistance** is connected to the intention of the original **assistance**.

✔ **Minor variation**

Example: VOCAT awarded Kaylin 10 counselling sessions and he elects to attend Caring Psychologists in Hawthorn. After attending two sessions, Kaylin's psychologist informs him that the clinic is closing down and refers him to a new psychologist in Kew for the remaining eight sessions.

Kaylin applies to the FAS to vary his **VOCAT award** so he can attend the new psychologist. The FAS considers Kaylin's variation application to be a **minor variation**, as Kaylin only requires the conditions of his **VOCAT award** to be amended.

24.3 How the FAS decides a VOCAT variation application

VOCAT will provide information to the FAS about the original application and **award**, so **applicants** do not have to provide the same information again.

When considering a **VOCAT variation** application, the FAS will look at:

- the evidence that was originally given to **VOCAT** for the initial application or any variation applications
- the reasons for the original **VOCAT award**
- any new evidence that has become available since the **VOCAT award** was made or last varied
- any change of circumstances since the **VOCAT award** was made or last varied
- any other payments the **applicant** received related to the same **injury**
- what further **assistance** the **applicant** is applying for
- whether the **applicant** satisfies the requirements for that **assistance type** (which could include whether the **assistance** is reasonable)
- how the further **assistance** will continue to assist with the **victim's** recovery from the **violent act**, and
- anything else the FAS considers relevant.

Applicants must provide the details listed above with their variation application so that the FAS can decide their application. If there is not enough information for the FAS to decide, the FAS will request further information from the **applicant**. This is likely to delay the FAS deciding and paying financial **assistance**.

Although an **applicant** can apply for new types of **assistance** (such as special financial assistance) as part of a variation application, the **applicant** must still show that there was fresh evidence or a change of circumstances since their last payment. The FAS does not consider a change in law to be a change of circumstances for variation applications.

If an **applicant** has applied for a minor **VOCAT variation** but the FAS considers that the application is **substantive** instead, the FAS will:

- notify the **applicant** that the FAS is considering making a decision that the **VOCAT variation** is substantive rather than minor
- invite the **applicant** to provide reasons why they believe it is a **minor variation**, and
- allow the **applicant** to choose to withdraw or proceed with their application.

If an **applicant** withdraws an application before the FAS makes a decision, they can apply for a **substantive variation** application again in the future.

If an **applicant** proceeds with an application, they can also provide further documentary evidence to support their application for a substantive **VOCAT variation**.

24.4 What documents applicants should provide

The FAS will have the documents and information that an **applicant** submitted as part of their first application or any previous variation applications. **Victims** do not need to provide more documentation to show that they meet the victim eligibility criteria or that a **violent act** occurred as part of their variation application.

However, **applicants** must show:

- that their circumstances have changed
- what further **assistance** is requested
- that the further **assistance** will assist in their recovery, and
- that the further **assistance** will continue to assist in their recovery from the **violent act**.

VOCAT variations – supporting documentary evidence requirements

Mandatory evidence

Applicants must provide the documents relevant to the variation they are requesting as outlined in the supporting documentary evidence requirements listed in these guidelines for the relevant type of assistance.

This could include:

- quotes, invoices or receipts demonstrating the cost or likely cost of the further **assistance** requested
- reports or letters of opinion detailing how the further **assistance** is likely to assist in their recovery from the **violent act**, and
- statutory declarations.

25. Variation of FAS assistance

A variation application is a request to change the **assistance** paid by the FAS. The FAS can vary **assistance** for many reasons, this could be because the **victim** needs:

- to change the conditions of the **assistance**, such as needing to attend a new psychologist or counsellor
- to change the amount of **assistance**, such as needing an increase in **assistance** to cover an increase in a service provider’s costs, or
- a new type of **assistance**, such as where a **victim’s** needs or circumstances have changed, and they now need different or additional **assistance**.

These examples are not a complete list, and the FAS can vary **assistance** for many different reasons to respond to **victims’** needs.

The FAS can only pay **assistance** up to an **applicant’s** maximum **assistance cap**, which is \$60,000 for **primary victims** and \$50,000 for **secondary victims** and **related victims**. When applying to the FAS for a variation, **applicants** must:

- have already received **assistance** from the FAS which is to be varied
- apply within the relevant time limits, as the FAS cannot extend time to apply for variation
- have fresh evidence or changed circumstances explaining why further **assistance** is needed, and
- explain how the further **assistance** will assist in their recovery from the **violent act**.



25.1 Variation time limits

Age of victim at the time of the FAS award	Time limit to apply to the FAS
Victim was 18 years or older	Ten years from the date the FAS made the original decision
Victim was a child	Up until the victim turns 28 years old ⁵¹ (before their 28 th birthday)

⁵¹ Section 48(2) of the Act.

The FAS cannot extend time for **applicants** to apply for a variation beyond these time limits. This means that if an **applicant** applies for a variation out of time, the FAS will refuse this application.

Sometimes the FAS may make multiple decisions about one application to try to pay **assistance** to a **victim** as soon as possible. When a **victim** has received more than one decision about an application, a **victim** may have more than one time limit for a variation. The FAS includes this date in the relevant Notice of Decision.

Within variation time limits

Example: On 1 February 2025, Dana applied to the FAS for medical and safety-related expenses and special financial assistance. The FAS made decisions on the following dates:

- 1 March 2025, to pay \$1,000 in medical expenses and \$500 in safety-related expenses, and
- on 1 April 2025, to pay \$5,000 in special financial assistance.

Dana needs to vary her medical expenses as her doctor recommends a further type of treatment for her **injury**. Dana's time limit to vary the **assistance** covering her medical expenses is 1 March 2035, which is 10 years from the FAS decision about the medical expenses. Dana makes her request on 4 April 2030 which is within the time limit to vary **assistance**.

25.2 How the FAS decides a variation application

When considering a **FAS variation** application, the FAS will look at:

- the evidence provided with the initial application
- the reasons the FAS decided to pay **assistance**
- any new evidence that has become available since **assistance** was paid or last varied
- any change in the **victim's** circumstances that has occurred since **assistance** was paid or last varied
- any other payments the **applicant** received for the same **injury**
- whether the **applicant** satisfies the requirements for that type of **assistance** (which could include whether the **assistance** is reasonable)
- how the further **assistance** will continue to assist with the **victim's** recovery from the **violent act**, and
- anything else the FAS considers relevant.

Applicants must provide evidence of the details listed below with their variation application so that the FAS can decide their application. If there is not enough information for the FAS to decide, the FAS will request further information from the **applicant**. This is likely to delay the FAS deciding and paying financial **assistance**.

Although an **applicant** can apply for new types of **assistance** (such as special financial assistance) as part of a variation application, the **applicant** must still show that there was fresh evidence or a change of circumstances since their last payment. The FAS does not consider a change in law to be a change of circumstances for variation applications.

25.3 What documents applicants should provide

The FAS will have the documents and information that an **applicant** submitted as part of their first application or any previous variation applications. **Victims** do not need to provide more documentation to

show that they meet the victim eligibility criteria or that a **violent act** occurred as part of their variation application.

However, **applicants** must show:

- that their circumstances have changed
- what further **assistance** is requested
- that the further **assistance** will assist in their recovery, and
- that the further **assistance** will continue to assist in their recovery from the **violent act**.

FAS variations – supporting documentary evidence requirements

Mandatory evidence

Applicants must provide the documents relevant to the variation they are requesting as outlined in the supporting documentary evidence requirements in these guidelines for the relevant type of assistance. This could include:

- quotes, invoices, or receipts demonstrating the likely cost of the further **assistance** requested
- reports or letters of opinion detailing how the further **assistance** is likely to assist in their recovery from the **violent act**, and
- statutory declarations.

26. Internal reviews

If an **applicant** is not satisfied with a FAS decision, they can ask the FAS to review that decision. This is known as an **internal review**.

An **internal review** involves someone more senior to the original decision-maker taking a fresh look at the application to ensure the FAS has made a reasonable decision on the evidence at hand.⁵² The **reviewer** will either:

- affirm (uphold) the **original decision**
- amend the **original decision**, or
- substitute (replace) the **original decision** with a new decision.⁵³

The FAS will provide the **applicant** with a Notice of Decision confirming the outcome of the **internal review** and reasons for the decision.

Applicants can only apply once for an **internal review** of a decision. If they remain dissatisfied with the outcome following the **internal review**, they may apply to the Victorian Civil and Administrative Tribunal (VCAT) for an **external review** of that decision.

26.1 Decisions that can and cannot be reviewed

An **applicant** can request an **internal review** of decisions:

- refusing an application for **assistance**
- requiring repayment of interim **assistance**
- about the amount of **assistance** to pay
- refusing to vary **assistance** (including **VOCAT awards**)
- about how much **assistance** to pay for a variation application
- requiring repayment of an amount of **assistance**, including the amount of **assistance** to repay.

Decision can be reviewed internally

Example: Harold is a **victim** of assault. The FAS provide him with **assistance** for counselling but reduces the amount of special financial assistance provided because of findings about his character and criminal history. Harold disagrees with the FAS's assessment of his criminal history. Harold can apply for an **internal review** of the FAS decision about his character as this impacted the amount of special financial assistance provided.

An **applicant** cannot request an **internal review** of decisions about:

- interim **assistance** (the FAS will only consider concerns regarding interim **assistance** as a part of an **internal review** of a final decision)
- **legal costs**, or
- whether or not to hold a victim recognition meeting.

⁵² Section 45(4) of the Act.

⁵³ Section 45(6) of the Act.

Although an **applicant** cannot request an **internal review** about these decisions, they can make a complaint to the FAS about their concerns.

An **applicant** cannot request an **internal review** if the FAS CEO made the decision. Instead, **victims** must apply to VCAT for an external review of this decision.

26.2 Internal review time limits and out of time applications

Victims must apply for an **internal review** of a decision within 28 days of the FAS's decision.⁵⁴ The FAS includes the relevant review deadline in all Notices of Decision.

The FAS can agree to extend the time for **victims** to apply for an **internal review**.⁵⁵ When applying out of time, **victims** should clearly explain the reasons why they are applying out of time and provide evidence to support this request.

When deciding whether to accept an application for an **internal review** out of time, the FAS will consider the reasons for the delay and whether the delay impacts the FAS being able to make a fair decision. These reasons for the delay could include:

- the **victim's** age
- whether the **victim** has a disability or **mental illness**
- whether the **victim** has a medical or psychological condition that impacts their ability to apply for an **internal review**
- whether the **offender** was in a position of power, influence, or trust
- the nature, dynamics, and circumstances of the **violent act** (including whether it occurred in the context of a pattern of abuse, **family violence** or **sexual offences**)
- whether the **victim** is homeless or has experienced homelessness
- whether the **victim** is waiting for the FAS to make another decision about financial **assistance**
- whether the victim was seeking further information or evidence in support of their **internal review** application and experienced a delay in receiving that information
- any steps taken by the **victim** to seek an **internal review** during the 28-day period, or
- anything else the FAS considers relevant.

Can apply for an out-of-time internal review

Example: Celia is a victim of **family violence**. On 3 March 2026, she received **assistance** from the FAS for counselling and medical expenses, but not for the full amount that she had requested. Celia disagreed with the FAS decision but wanted to know the outcome of her pending special financial assistance application before deciding whether to apply for an **internal review**. Shortly after, Celia's former partner was released from prison and Celia needed to move for her safety. Celia was unable to apply for an **internal review** within the 28-day period because of this. On 12 June 2026, Celia applied to the FAS for an extension of time and included a letter from her support worker explaining her situation and reasons for the delay. The FAS approved an extension of time for Celia.

⁵⁴ Section 45(2) of the Act

⁵⁵ Section 45(3) of the Act.

26.3 Internal review requirements

Applications for an **internal review** must be made in writing.⁵⁶ The request must be in writing so that the FAS knows exactly what aspect of the decision a **victim** would like to be reviewed. However, if a victim has accessibility requirements or cannot communicate in writing, they can:

- contact the FAS
- appoint a lawyer to act on their behalf, or
- appoint another **Authorised Representative** to submit an application for **internal review** on their behalf.

When applying for an **internal review**, **applicants** will be required to include the following information in their application:

- the details and date of the **original decision**
- which part of the decision they want reviewed
- the grounds of review, which is an explanation of why the victim believes the **original decision** is incorrect or unreasonable, and
- the outcome sought.

Applicants can also include any new documentary evidence or information that supports their grounds of review and the outcome they are asking for.

⁵⁶ Section 45(1) of the Act.