



Victims' Special Claims Tribunal

For more information visit www.justice.govt.nz/tribunals

A Guide to Filing a Claim

How to file a claim?

The Prisoners' and Victims' Claims Act 2005 enables victims to make claims against offenders who received compensation under the Act. Such compensation will be held in the Victims' Claims Trust Bank Account.

To file a claim with the Victims' Special Claims Tribunal (the Tribunal), you must complete a claim form available at www.justice.govt.nz/tribunals. The claim form provides the Tribunal with the information it needs to consider.

If the form does not allow enough space to include all details, or further information write "see attached" in the appropriate space, and include further pages or information as needed.

The Tribunal must receive the claim before the deadline specified in the Notice of Payment which the claimant will receive from the Tribunal with the Claim Form. The deadline is usually 6 months after the publication of the written notice of the payment into the Victims' Claims Trust Bank Account.

The Tribunal may permit a claim to be filed within a further period it specifies if it is satisfied that the claimant was prevented by factors beyond their control from filing a claim before the deadline. This must be done by means of a written application made to the Tribunal before the deadline.

Are there any fees?

No fee is payable for filing a claim with the Tribunal.

What details of the offence and offender are required?

The Tribunal must, if possible, be provided with enough information to identify the offender and also with details of the offence.

- If known, the offender's name,
- the date and place where the offence occurred,
- the date that the offender was convicted for the offence and
- the relevant Court file number should be provided (if known).

Please provide as much information about the offence as possible. The Tribunal will also obtain the appropriate criminal file for more information. Under the Act, the Tribunal may accept as proved any facts established in the criminal case relating to the offence.

What information does the Tribunal require?

Information must be provided to the Tribunal about the nature of the injury, harm, loss, or damage suffered as a result of the offence. Facts should so far as possible be supported by relevant documents and written material including medical reports, valuations, receipts, and other information. Certified copies of all relevant documents should be attached.

A certified copy is sworn to be a true copy by a lawyer, justice of the peace or other qualified person.

The actual value of compensation, interest, and costs claimed must be specified. Economic loss, and any emotional or other non-economic loss suffered may also be claimed.

What makes a successful claim?

For the claim to succeed, the Tribunal must be satisfied that:

- You are a victim of a crime committed by the offender; and
 - You have, through or by means of the offence committed against you, suffered loss or damage and/or emotional harm for which you have not received, and will not receive, effective compensation or any other remedy.
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How does the Tribunal determine a claim?

The Tribunal will normally determine a claim based on the written submissions before it. However, in exceptional instances when it is in the interest of justice, the Tribunal may hear oral (spoken) submissions and/or arguments from the claimant and the respondent.

The amount that you may claim from the offender is not limited to the amount available in the Victims' Claim Trust Bank Account as mentioned in the notice. The Tribunal will also have no regard to the amount available in the trust account when determining the compensation payable to a victim.

Insurance or payments from other sources

The Tribunal will take into account relevant insurance payments and payments or benefits from other sources (for example, ACC or reparation payments) in determining amounts to be awarded to claimants. Sources and amounts, and other relevant details (eg, claim numbers) of those payments, must be provided. The Tribunal may seek to verify this information.

Handling and consideration of claims

Claims are acknowledged and assigned a VSC number on receipt. A copy of a claim must be given to the offender. However, your (the claimant's) address and other contact details will be removed. When all claims have been filed, the offender has 60 days to make written submissions in response to the claim. In exceptional circumstances, the Tribunal can extend that 60-day period. A copy of the offender's written submissions will be forwarded to the claimant.

The Tribunal will obtain further information such as court transcripts and make other investigations relevant to the claim. Once all information is available, and the period for written submissions by the offender has expired, all the claims that relate to that offender will be forwarded to the Tribunal to determine. The Tribunal will notify the parties whether it will hear oral submissions, and of the time and place of any hearing.

The Tribunal will issue its decision to the parties in writing, including any order for damages. Parties may appeal against the determination or order to the High Court, but only on a question of law.

When all the claims have been determined and any appeals finalised, money held in the Trust Account is paid out in accordance with the Tribunal's order.

Civil action

Except for enforcement proceedings, if a claim has been finally determined under the Act, no party will be able to take any further civil action for the same harm or loss against the offender. If the amounts to be paid are more than the amount of money held in the trust account for the offender, the victim may be able to seek the balance through additional enforcement proceedings.

Representation and Legal Aid

A claimant may be represented or assisted by another person (for example, a lawyer or a support person). Claimants who need legal assistance may be entitled to legal aid. For information on your eligibility and finding a legal aid lawyer, contact the Legal Services Agency at:

Phone: 04 495 5910
Fax: 04 495 5911
Email: info@lsa.govt.nz

Further Information

The purpose of this guide is to explain in general terms how to complete the claim form for filing with the Victims' Special Claims Tribunal.

If you require more specific information, you should seek legal advice or contact the Secretary of the Victims' Special Claims Tribunal at:

Tribunal Contact Details



Victims' Special Claims Tribunal
Tribunals Unit
Private Bag 32-001, Panama Street, Wellington 6146
Level 1, 86 Customhouse Quay, Wellington 6011

www.justice.govt.nz/tribunals

Ph: (04) 462 6660
Fax: (04) 462 6686
Email: tribunals@justice.govt.nz