

In Queensland, any person who suffers a personal injury as a result of a criminal offence may be entitled to make an application for Criminal Compensation.

These types of claims are covered by the Criminal Offence Victims Act 1995. There are two ways a person may be entitled to make a claim:

1. If the offender is convicted of an offence in a District or Supreme Court, an application can be made to the Court against that person.
2. If the offender would have been charged and tried in court for an offence but that person is found not to be criminally responsible or is unable to be identified, an application can be made to the government for compensation.

The Act outlines the procedure for making an application for criminal compensation. If a person applies to the court and receives an order for compensation you must first attempt to recover the money ordered from the person who committed the offence. If you are unable to do this you can make an application to the government through the Department of Justice to pay any amount outstanding. Before the government pays any money it must be satisfied that you have made all attempts to recover the money from either the person or any other government authority that may be obliged to pay compensation to you as a result of the incident. For example, if your criminal offence occurred at work, you may be required to apply to WorkCover to seek compensation before the Department of Justice will pay any further monies to you.

Compensation is limited under this Act. A person will receive a specified amount for a particular type of injury. You are not entitled to claim for any economic loss or medical expenses, etc. You are also not entitled to make any claim for your costs incurred.

We are familiar with the procedural requirements in making such applications to both the court and Department of Justice. We also understand what evidence will be required to substantiate your claim so as to ensure that you achieve the maximum amount of compensation that you are entitled to.

There are important time limits with respect to making such claims. If a person has been convicted in a District or Supreme Court, an application must be made to the court within three years from the date of conviction of that person. If a person is unable to be identified or has not been found guilty in a court, an application must be made to the Department of Justice within three years from the date of the offence.

At Ferguson Cannon Lawyers, we understand the necessity to resolve these types of matters expeditiously for the benefit of you, the client.

Our lawyers have extensive experience in this area and we would be more than happy to discuss with you details of costs and outline what is required to ensure a successful and speedy settlement of your claim.