A Guide to Filing a Claim

What is the Criminal Justice Assistance Reimbursement Scheme?

The Criminal Justice Assistance Reimbursement Scheme provides compensation for people who have been victimised and suffered loss as a direct result of being called to give evidence in a criminal case that is punishable by imprisonment.

A person in a close relationship to a witness, who is victimised and suffers material loss as a result of assisting or caring for the witness, may also seek compensation.

The scheme offers a last resort for victims where no other source of assistance, relief or support exists.

The scheme was established by Ministerial directive and administered by the Ministry of Justice Tribunals Unit. As it wasn’t established by legislation it has no statutory basis.

How are people informed of the scheme?

Victims will normally be informed by the New Zealand Police of the Scheme.

Who can file a claim?

In terms of the Scheme a person may claim reimbursement if they have been victimised and suffered loss of property or earnings because of their:

- Testimony or help as a witness for the prosecution or the defence in a criminal case that is punishable by imprisonment;
- Assistance in the administration of justice which, for example, may include reporting a crime or giving information to the police without being called as a witness before a Court.

Are there any fees?

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

What can you claim for?

The victim may be reimbursed if they suffered material loss or property damage. This could include the destruction of housing, vehicles, household contents and clothing; expenses incurred in accommodation should the victim’s house or vehicle be damaged (eg, motel costs, transport costs) and loss of earnings for up to three months.

The minimum amount you can claim for under the scheme is $300. The maximum amount that will be compensated is $30,000 per incident. However where not paying more would be a severe injustice, compensation could be increased.
Compensation may be claimed for losses such as:

- the destruction of housing, vehicles, household contents and clothing
- accommodation expenses
- up to three months loss of earnings.

The scheme applies only where insurance cover is lacking or insufficient, or in areas where an existing scheme doesn’t provide payment. The scheme can, however, at the discretion of the assessor, compensate for losses not covered or only partially covered by other forms of compensation.

**What makes a valid claim?**

Losses must be due to criminal victimisation resulting directly from the claimant providing assistance to the criminal justice system or as a result of the claimant’s relationship with the witness. At the discretion of the assessor criminal victimisation can include threats as well as actual damage to property. The New Zealand Police will be required to endorse the claim to state that there is actual and real risk to the victim.

Compensation will be for losses, including property loss and loss of earnings up to a maximum of three months. Cover for psychological injury, nervous shock or trauma are not covered. The claimant must have exhausted all other avenues for compensation including insurance and ACC. The scheme can, however, at the discretion of the assessor compensate for losses not covered or only partially covered by other avenues of compensation.

When assessing the amount to be paid the assessor is able to take into account any reparation ordered by the Court. The assessor does not, however, need to wait for any court case that may result from the victimisation to take place.

Evidence is to be to the satisfaction of the assessor and may include supporting statements from the police as well as other proof of the existence of the property being claimed for, its current value, and its loss.

The Scheme will not meet losses incurred after a witness is accepted onto the Witness Protection Programme. Where a claimant is on, or has been on, the Witness Protection Programme administered by the New Zealand Police, any losses incurred after that claimant was placed on the Witness Protection Programme will not be met by the scheme.

**What is the process?**

We will confirm in writing that we have received your claim, as soon as possible after it arrives at the Tribunals Unit.

**The assessor**

When a claim is filed an independent assessor appointed from outside the Ministry of Justice makes non-binding recommendations to the Secretary of Justice regarding whether compensation should be granted.
Assessor’s recommendation

Having considered the claim, and the related evidence, the assessor makes their recommendation on whether the claim should succeed or not. This is usually within three weeks, unless the assessor asks for more information. The recommendation is passed on to the Secretary of Justice, who decides whether the recommendation should be approved or declined.

Calculating compensation

When assessing the amount of compensation to be paid the assessor may take into account any reparation ordered by a Court to be paid to a claimant and insurance paid out. The assessor does not, however, need to wait for court proceedings relating to the case to take place before making their decision.

Written notification

You will be advised in writing of the outcome of your claim. If the claim is successful you will receive compensation by cheque soon after the decision is announced.

Further Information

Enquiries regarding the Criminal Justice Assistance Reimbursement Scheme should be addressed to:

Scheme Contact Details

Criminal Justice Assistance Reimbursement Scheme
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