



Victims Assistance Unit

Guideline 10

Granting Financial Assistance for Cultural Expenses Under Exceptional Circumstances

This guideline is issued pursuant to section 131 of the *Victims of Crime Assistance Act 2009* (the Act) for Government assessors on the exercise of their powers in assessing claims for financial assistance. Nothing in this guideline supersedes or overrides the requirements of the legislation.

Determining Reasonable Cultural Expenses

1. This guideline describes how Aboriginal or Torres Strait Islander cultural expenses, required because of an act of violence, should be determined by an assessor in a grant of financial assistance.
2. An assessor may consider reasonable cultural expenses for eligible Aboriginal or Torres Strait Islander applicants under the 'exceptional circumstances' component to grant assistance for distinctive Aboriginal or Torres Strait Islander spiritual practices, observances, beliefs or teachings.
3. 'Exceptional circumstances' must exist as required by sections 39, 42, 45 and 49 of the Act. An assessor may consider an applicant's special needs in determining a grant of assistance but must be satisfied that the expense will significantly help the applicant recover from the act of violence.
4. An assessor may approve a grant of financial assistance for the following cultural expenses to an eligible Aboriginal or Torres Strait Islander 'related victim':
 - a. Repatriation of the deceased person to their traditional Country/Island for burial.
 - b. Return to their traditional Country/Island to observe a distinctive practice, belief or teaching (e.g. Sorry business).
 - c. Purchase of specific cultural clothing to be worn during the funeral, memorial or sorry business.

- d. Smoking ceremonies, dance ceremonies and cleansing ceremonies conducted during funerals, memorials or sorry business.
 - e. Other distinct cultural expenses that are specific to the people group, Country or Island of the deceased.
5. An assessor may approve a grant of financial assistance for the following cultural expenses to an eligible Aboriginal or Torres Strait Islander 'primary victim':
- a. Travel and short-term accommodation (up to 4 weeks) for the primary victim to return their traditional Country/Island to participate in distinctive Aboriginal or Torres Strait Islander spiritual practices, observances, beliefs or teachings for recovery purposes.
 - i. If the primary victim is unable to return to their traditional Country/Island – assistance may be granted to participate in equivalent spiritual practices, observances, beliefs and teachings in another area.
 - ii. If the primary victim is an adult with impaired capacity or a child (under 18) – assistance may be granted for a support person to travel with the primary victim.
 - b. Travel and short-term accommodation (up to 2 weeks) for a relevant Elders to travel to conduct spiritual practices, observances, beliefs or teachings where the applicant lives.
 - c. Smoking ceremonies and other cleansing ceremonies conducted for recovery purposes.
 - d. Therapeutic workshops, groups and courses that are specifically designed to support the recovery of an Aboriginal or Torres Strait Islander applicant and provided by a recognised Aboriginal or Torres Strait Islander service or organisation.
 - e. Other distinct recovery expenses that are specific to the applicants' people group, traditional Country or Island.
6. An assessor may ask (verbally or in writing) an [Aboriginal and Torres Strait Islander Health Practitioner](#), Community Elder or service provider to confirm how the distinctive Aboriginal or Torres Strait Islander spiritual practices, observances, beliefs or teachings may help the victim recover.
7. An assessor ordinarily will not approve a grant of financial assistance for general living expenses such as food other incidental expenses incurred while traveling or staying away from a usual residence.

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