



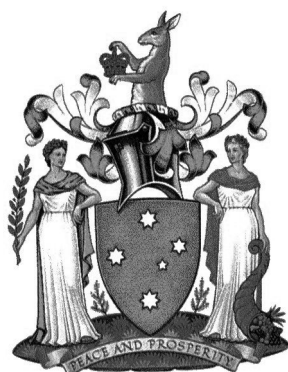
**VICTIMS OF CRIME  
ASSISTANCE TRIBUNAL**

**ANNUAL REPORT  
2002 - 2003**

# **Victims of Crime Assistance Tribunal**

## **Annual Report**

**2002-2003**



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## FORWARD FROM CHIEF MAGISTRATE

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Pursuant to Section 68 of the *Victims of Crime Assistance Act 1996*, this Annual Report is produced to provide statistical data and information pertaining to the operations of the Tribunal for the financial year ending 30 June 2003.

This Annual Report sets out the statistics relating to the Tribunal's operations throughout the year 2002/03. In the Report, there are charts highlighting the effect of various legislative changes, with comparisons made to previous years to illustrate the volume of applications received, the number of applications disposed of and the expenditure involved.

The Tribunal members and registry staff across the State of Victoria continue to review and refine procedures aimed to expedite the determination of applications, whilst also providing a forum for victims of crime to be heard.

Preparation for the new victims service delivery arrangements (as a result of the Review conducted in 2002), and the introduction of the *Victims of Crime Assistance (Miscellaneous Amendment) Act 2003* have been implemented over this past year.

The purpose of the amendments to the legislation was to remove restrictions on the making of interim awards, enable some to be made at registrar level, and to widen the circumstances in which childhood victims of sexual assault may be awarded special financial assistance. It is anticipated that the number of applications will increase as a result of the legislative amendments, however with the provision of additional resources the operation of the Tribunal will be significantly enhanced.

I thank the members of the Tribunal and the Registry staff for their work throughout the year and I acknowledge the major contribution made by Supervising Magistrate Felicity Broughton and Principal Registrar Amanda Salvatore to the management and reform of the jurisdiction.

Ian L Gray  
**Chief Magistrate**

## PURPOSE AND HISTORY OF THE TRIBUNAL

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The principal purpose of the Tribunal is to help victims of crime recover from the act of violence to which they have been subjected, and to assist with expenses that may have resulted from the crime.<sup>1</sup>

The Tribunal may provide assistance if:

- satisfied that an act of violence has taken place in Victoria which is punishable upon conviction by imprisonment;
- the act of violence was reported to the police and either a physical and/or psychological injury resulted from the act of violence;
- the application was made within 2 years of the act of violence taking place. However, the Tribunal has discretion to extend the time for making applications beyond this limitation if the applicant can satisfy the Tribunal that special circumstances exist. This extension of time application must be lodged with the Tribunal before any assistance can be granted.

Before the Tribunal can determine whether an award will be made, all relevant material, including medical reports, must be filed by, or on behalf of an applicant. In addition, the Tribunal will request a copy of the police report, and in certain circumstances, material such as public hospital records.

When determining an award of assistance, the Tribunal will take into account any payments already received by the victim from any other scheme, such as WorkCover, the Transport Accident Commission, medical and / or private health insurance or from the offender (if found guilty) at the completion of the criminal case or paid by way of civil damages. Assistance should be sought from any other appropriate scheme/organisation before seeking assistance through the Tribunal.

A brief history of the legislative changes relating to this jurisdiction is as follows:

- *Criminal Injuries Compensation Act 1972* introduced on 27 March 1973, establishing entitlement to payments for pain and suffering;
- *Criminal Injuries Compensation Act 1983* repealed the *Criminal Injuries Compensation Act 1972*, effective 21 March 1984. The maximum amount of compensation that was ultimately available under the *Criminal Injuries Compensation Act 1983* for pain and suffering was \$20,000.
- *Victims of Crime Assistance Act 1996* repealed the *Criminal Injuries Compensation Act 1983*, effective 1 July 1997, removing the entitlement to compensation for pain and suffering, and specifying various categories of victims; primary, secondary and related.
- *Victims of Crime Assistance Act 1996* amended, effective 1 January 2001, establishing entitlements to payments for pain and suffering in the form of special financial assistance to *primary victims*, up to a maximum of \$7,500. This entitlement is available primarily in circumstances where the act of violence which takes place on or after 1 July 2000, although in some circumstances, victims of childhood sexual abuse where the act of violence took place prior to 1 July 2000 have an entitlement.
- *Victims of Crime Assistance (Miscellaneous Amendment) Act 2003* introduced on the 12<sup>th</sup> June 2003, increased childhood sexual abuse victim entitlements and also will provide an increase of Registrars' powers to allow them to make interim awards<sup>2</sup> for assistance up to a prescribed limit on a date to be proclaimed.

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<sup>1</sup> Refer to the *Victims of Crime Assistance Act 1996* for a detailed explanation of the operations of the Victims of Crime Assistance Tribunal, the criteria for the making of an award, and the type / amount of assistance that may be awarded.

<sup>2</sup> Interim award is a preliminary award of assistance made prior to final determination of the application.

These legislative changes have been significant in affecting the number of applications received, and consequently the number of awards made, by the Tribunal.

These are reflected in the statistics and graphs contained in this report. Most notably:

- **1996/97:** Introduction of the *Victims of Crime Assistance Act 1996*. Removed the entitlement to compensation for 'pain and suffering' for victims, and therefore saw a significant reduction in the number of applications lodged with the Tribunal.
- **2000/01:** Introduction of entitlements to 'special financial assistance', with a result that there was an increase in the number of applications received by the Tribunal, and subsequent awards made.

As the Tribunal continues to change and evolve, it sees its focus gradually shifting. Whilst the Tribunal forms part of the work of the Magistrates' Court, is administered by the Magistrates' Court staff, and presided over by a Magistrate, the Tribunal has developed a claim management function in parallel with the courts system.

The Tribunal is currently working on a more comprehensive reporting system for 2003/04 to better reflect the output of work that it does, as it is different to both Criminal and Civil jurisdictions of the Magistrates Court. Unlike Civil and Criminal, where each case is initiated and its determination by a Magistrate is its finalisation, an application heard and determined by the Tribunal can have many different aspects both prior, and subsequent, to its determination.

Historically, the number of interim awards and variations made by the Tribunal have not been counted in the Tribunal's Annual Report as Court business. The amounts awarded for interim awards and variations have always been included in the total amounts awarded by the Tribunal, but not the actual number of interim awards and variations made. Therefore, by only providing statistics for applications received and finalised, and not interim awards and variations, it has presented a picture that is not a true reflection of the Tribunal's workload.

It is not unusual for an application before the Tribunal to have a number of interim awards made by a Tribunal Member *prior* to its determination, and/or a number of variations made by a Tribunal Member *subsequent* to its determination. These interim awards and variations made by the Tribunal Member often involve more administrative preparation and court hearing time than the actual finalisation of the application.

This trend is particularly evident in relation to applications for awards for counselling expenses, which represents a significant part of the volume of work performed by the Tribunal.

Statistics for the number of interim awards and variations that have been made has not been readily available to the Tribunal through its Courtlink system. Steps are being taken to remedy this, so future Annual Reports can capture a more accurate reflection of the extent of work performed by the Victims of Crime Assistance Tribunal.

## TERMINOLOGY TABLE

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**Adjourned Sine Die:** Applications not finalised that have been adjourned to a date to be fixed, or indefinitely, pending some further action.

**Award:** An award of assistance made by the Tribunal.

**CCT:** Crimes Compensation Tribunal. Operated from 27 March 1973 to 30 June 1997 when the *Criminal Injuries Compensation Act 1983* was repealed. Pending applications relevant to this legislation are still being finalised by the Victims of Crime Assistance Tribunal.

**Finalised Application:** An application is finalised when the Tribunal has either (1) made a final award (2) refused the application or (3) struck out the application, or the application is withdrawn by the applicant. For the year 2002/03, if an application is struck out by the Tribunal and subsequently reinstated and either an award is made or the application refused, it is only counted once as a finalisation - either as an award or as a refusal.

**Final Award:** A finalisation where the Tribunal has made an award of assistance. However, there may be an application for a variation by the applicant at a later date.

**Interim Award:** Any award of assistance made by the Tribunal pending the final determination of an application.

**Other Disposal:** An application is finalised without a final award being made, or where interim awards have been previously granted and no further assistance from the Tribunal is required.

**Other Expenses:** Includes expenses to assist recovery, incurred by a primary victim, secondary victim or related victim [Sections 8(3), 10A and 13(4)], other expenses incurred by a related victim [Section 13(2)(e)], and expenses incurred through loss or damage to clothing by a primary victim [Section 8(2)(d)].

**Pain and Suffering:** A category of compensation awarded by the Tribunal for applications made pursuant to the *Criminal Injuries Compensation Act 1983*.

**Refused:** The Tribunal has refused an application for an award of assistance on the grounds that the application did not satisfy the criteria of the legislation in relation to an award.

**Special Financial Assistance:** A category of assistance that is available to some primary victims who have suffered a significant adverse effect. Eligibility arose as a result of amendments to the *Victims of Crime Assistance Act 1996*, which came into effect on 1 January 2001.

**Struck Out:** An order of the Tribunal usually made in circumstances where the applicant does not respond to the time limits for specific actions, as directed by the Tribunal.

**Section 32/48:** Applications made under the *Victims of Crime Assistance Act 1996* or *Criminal Injuries Compensation Act 1983* respectively for an order for costs against the applicant.

**Variation:** A further award made by the Tribunal upon application by a person to whom an award of assistance has been already made.

**VOCAT:** Victims of Crime Assistance Tribunal. Established 1<sup>st</sup> July 1997 with the introduction of the *Victims of Crime Assistance Act 1996*.

## CATEGORIES OF ASSISTANCE AND ENTITLEMENTS

The following table details categories of victims of crime and assistance that may be awarded in relation to each victim category under the *Victims of Crime Assistance Act 1996*.

Category	Criteria	Amount of assistance	Type of assistance
Primary victim	<p>A person who is injured or dies as a direct result of an act of violence committed against him/her.</p> <p>A person is also a primary victim if he/she is injured as a direct result of:</p> <ul style="list-style-type: none"> <li>trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence or;</li> <li>trying to prevent the commission of the act of violence; or</li> <li>trying to aid or rescue someone whom he or she believes on reasonable grounds is a victim of an act of violence – whether or not an act or violence is actually committed.</li> </ul>	Up to \$60,000 <b>plus</b> up to \$7,500 in special financial assistance	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>special financial assistance;</li> <li>counselling;</li> <li>medical expenses;</li> <li>up to \$20,000 loss of earnings;</li> <li>damage to clothing; and</li> <li>in exceptional circumstances – “other” expenses to assist in the recovery of the victim.</li> </ul>
Secondary victim	<p>A person who is present at the scene of an act of violence and injured as a direct result of witnessing the act.</p> <p>A person is also a secondary victim if he/she is injured as a direct result of becoming aware of an act of violence and is the parent/guardian of a primary victim under 18 years of age</p>	Up to \$50,000	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>counselling;</li> <li>medical expenses;</li> <li>in exceptional circumstances – loss of earnings up to \$20,000; and</li> <li>in exceptional circumstances – “other” expenses to assist in the recovery of the victim.</li> </ul> <p>In exceptional circumstances where the secondary victim is under 18 years and has witnessed an act of violence upon certain family members, or the parent or guardian of a primary victim under 18 years who has become aware of the act of violence, the Tribunal may award other reasonable expenses to assist in the recovery of the applicant.</p>
Related victim	<p>A person who, at the time of the act of violence:</p> <ul style="list-style-type: none"> <li>was a close family member of; or</li> <li>was a dependant of; or</li> <li>had an intimate personal relationship with the primary victim who has died as a result of the act of violence.</li> </ul> <p>Related Victims are not required to suffer an injury to be entitled to assistance.</p>	Up to \$50,000 for any one related victim, <b>but</b> cumulative amount of \$100,000 for all related victims in total.	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>counselling;</li> <li>medical expenses;</li> <li>funeral expenses;</li> <li>distress (lump sum payments);</li> <li>dependency; and</li> <li>in exceptional circumstances – “other” expenses to assist in the recovery of the victim.</li> </ul>
Section 15 - assistance for funeral expenses	A person who has incurred funeral expenses as a result of the death of a primary victim and who is <b>not</b> a related victim.		<p>Consisting of:</p> <ul style="list-style-type: none"> <li>Funeral expenses</li> </ul>



# CATEGORIES OF SPECIAL FINANCIAL ASSISTANCE

The following table presents the four categories of special financial assistance that may be awarded by the Tribunal under the *Victims of Crime Assistance Act 1996*, the acts of violence relevant to each category and the minimum / maximum amounts that may be awarded.

Category	Acts of violence and classes of acts of violence	Minimum award level	Maximum award level
A	Any offence that involves: <ul style="list-style-type: none"> <li>the sexual penetration of a person; or</li> <li>attempted murder</li> </ul>	\$3500	\$7500
B	Any offence that involves: <ul style="list-style-type: none"> <li>attempted sexual penetration of a person; or</li> <li>an indecent act with, or indecent assault against, a person; or</li> <li>armed robbery; or</li> <li>aggravated burglary; or</li> <li>the deprivation of liberty of a person for the purpose of:               <ul style="list-style-type: none"> <li>sexual penetration, or</li> <li>demanding any ransom for their release</li> </ul> </li> </ul>	\$1000	\$2500
C	Any offence that involves: <ul style="list-style-type: none"> <li>an attempt to commit a category B act of violence; or</li> <li>a threat of death; or</li> <li>conduct endangering life; or</li> <li>inflicting serious injury; or</li> <li>robbery</li> </ul>	\$500	\$1000
D	Any offence that involves: <ul style="list-style-type: none"> <li>an attempt to commit a category C act of violence; or</li> <li>a threat of injury; or</li> <li>an assault against a person; or</li> <li>an attempted assault; or</li> <li>the deprivation of the liberty of a person, excluding a category B act of violence; or</li> <li>an act of violence not otherwise specified as a category A,B,C or D act of violence.</li> </ul>	\$100	\$500

## APPLICATIONS LODGED AND FINALISED

A fluctuation in the number of applications lodged and finalised by the Tribunal over the last five years can be attributed to a number of legislative changes.

On 1<sup>st</sup> July 1997 the *Victims of Crime Assistance Act 1996* replaced the *Criminal Injuries Compensation Act 1983*. Victims of Crime were no longer entitled to a payment for 'pain and suffering'. As a result, the number of applications received by the Tribunal dropped dramatically.

The amendments to the *Victims of Crimes Assistance Act 1996*, which came into effect in January 2001, saw the number of applications received nearly double over a two year period. This would appear to be as a result of the introduction of entitlements similar to payments for pain and suffering to victims of crime in the form of 'special financial assistance'.

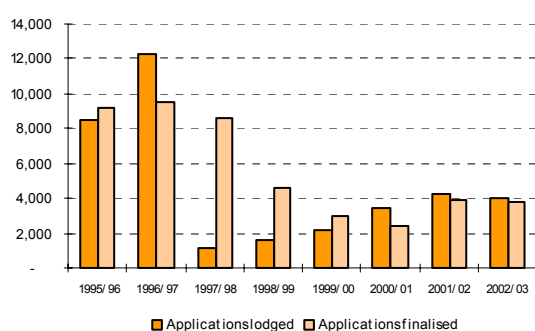
In 2002/03 there were 4,047 applications lodged with the Tribunal, compared to 4,191 in the previous year, representing a slight decrease of 3.4% (144 applications). However when comparing the figure from 1999/2000, the number of applications lodged this year have nearly doubled.

In 2002/03 there were 3,811 applications finalised, compared to 3,869 the previous year, representing a decrease of 1.5% (58 applications).

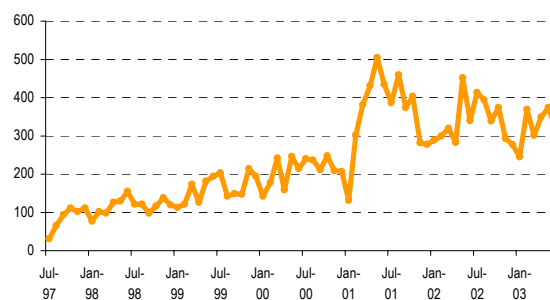
**Table 1**  
**Number of applications lodged and finalised, 1995/96 - 2002/03**

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Applications lodged	8541	12,289	1,202	1,627	2,231	3,497	4,191	4,047
Applications finalised <sup>3</sup>	9169	9,571	8,633	4,618	3,008	2,356	3,869	3,811

**Figure 1**  
**Number of applications lodged and finalised, 1995/96-2002/03**



**Figure 2**  
**Number of applications lodged monthly, 1997/98 - 2002/03**



<sup>3</sup> Previous VOCAT Annual Reports have included applications Adjudged Sine Die as being 'finalised'. These applications are actually adjourned to a date to be fixed, and not finalised. All data referring to 'Finalised Applications' in this report, including previous years, have been amended so applications of this status are now counted as 'pending', and not finalised. Therefore, the data contained in this table, and others contained in this Report, will differ from that of previous years.

## OUTCOME OF APPLICATIONS

Of the applications finalised in 2002/03, 2,745 (72.0%) resulted in a final award being made. This is compared to 2,392 final awards in the previous year, representing an increase of 353 (14.8%). Almost all final awards made in 2002/03 (98.8%) were under the *Victims of Crime Assistance Act 1996*.

Where no award was made, the application was more often withdrawn by the applicant or struck out by the Tribunal (22.2% of applications), rather than refused (4.3% of applications).

**Table 2**

**Number of applications finalised by outcome of application, 1995/96 - 2002/03**

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
	<i>Number</i>							
Award made (VOCAT) <sup>4</sup>	-	-	124	656	1,137	1,130	2,311	2,712
Award made (CCT) <sup>5</sup>	7,067	6,975	5,768	2,193	661	160	81	33
Other Disposal <sup>6</sup>	-	-	-	-	193	220	140	53
Refused <sup>7</sup>	382	439	355	218	107	103	124	165
Withdrawn / Struck out <sup>8</sup>	1,703	2,129	2,366	1,503	885	739	1211	844
Section 32 / 48 orders <sup>9</sup>	17	28	20	48	25	4	2	4
<b>TOTAL</b>	<b>9,169</b>	<b>9,571</b>	<b>8,633</b>	<b>4,618</b>	<b>3,008</b>	<b>2,356</b>	<b>3,869</b>	<b>3,811</b>
	<i>Percent</i>							
Award made (VOCAT)	0.0	0.0	1.4	14.2	37.8	47.9	59.7	71.2
Award made (CCT)	77.0	72.9	66.8	47.5	22.0	6.8	2.1	0.9
Other Disposal	0.0	0.0	0.0	0.0	6.4	9.3	3.6	1.4
Refused	4.2	4.6	4.1	4.7	3.6	4.4	3.2	4.3
Withdrawn / Struck out	18.6	22.2	27.4	32.5	29.4	31.4	31.3	22.1
Section 32 / 48 orders	0.2	0.3	0.3	1.1	0.8	0.2	0.1	0.1
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
% Applications where a final award is made	77.0	72.9	68.2	61.7	59.8	54.7	61.8	72.0

<sup>4</sup> Refers to awards made under *Victims of Crime Assistance Act 1996*.

<sup>5</sup> Refers to awards made under *Criminal Injuries Compensation Act 1983*.

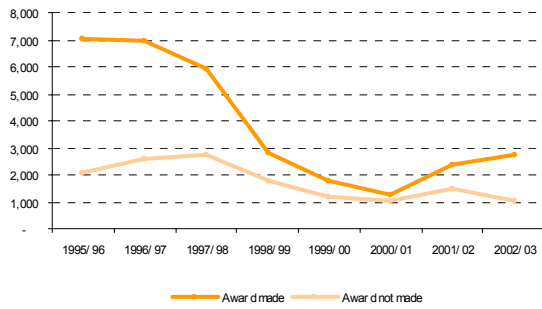
<sup>6</sup> *Other Disposal* see Terminology Table for definition

<sup>7</sup> *Refused* see Terminology Table for definition

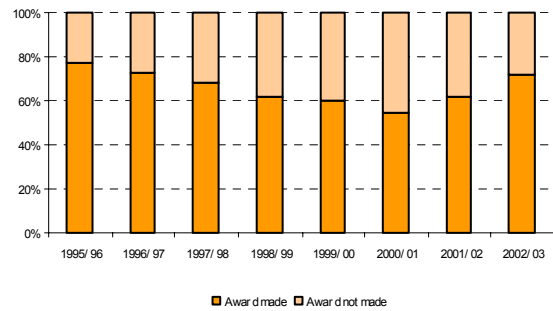
<sup>8</sup> *Struck Out* see Terminology Table for definition

<sup>9</sup> *Section 32/48* see Terminology Table for definition

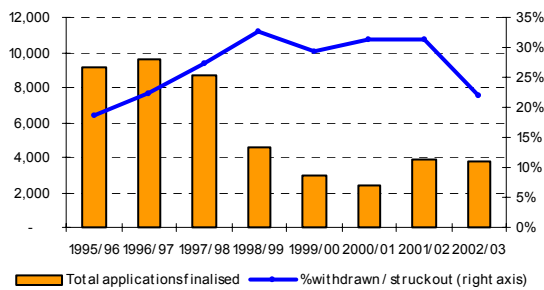
**Figure 3**  
**Number of applications finalised, by outcome of application, 1995/96 - 2002/03**



**Figure 4**  
**Outcome distribution in relation to finalised applications, 1995/96 - 2002/03**



**Figure 5**  
**Number of applications finalised and proportion withdrawn/struck out, 1995/96 - 2002/03**



## VICTIM CATEGORIES

The majority of awards made under the *Victims of Crime Assistance Act 1996* related to primary victims, followed by related victims, secondary victims, and awards made for funeral expenses pursuant to Section 15 of the *Victims of Crime Assistance Act 1996*.<sup>10</sup>

Of the awards made under the *Victims of Crime Assistance Act 1996* in 2002/03, 81.4% (2,207 awards) were made in relation to primary victims, compared to 80.2% for the previous financial year.

2002/03 was the second consecutive year that primary victims have represented at least 80% of all applications finalised under the *Victims of Crime Assistance Act 1996*. This is the fourth time this has occurred in the six years in which the Act has been in operation.

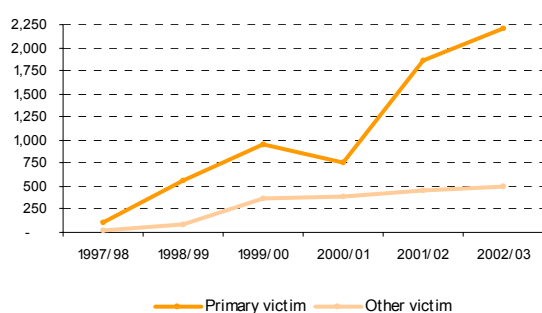
**Table 3**

**Number of awards made under the *Victims of Crime Assistance Act 1996*, by victim category, 1997/98 - 2002/03**

	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
	<i>Number</i>					
Primary Victim	109	559	768	751	1,854	2,207
Secondary Victim	2	29	50	59	146	164
Related Victim	9	64	316	317	308	332
Section 15 Funeral Expenses	4	4	3	3	3	9
<b>TOTAL</b>	<b>124</b>	<b>656</b>	<b>1,137</b>	<b>1,130</b>	<b>2,311</b>	<b>2,712<sup>11</sup></b>
	<i>Percent</i>					
Primary Victim	87.9	85.2	72.2	66.5	80.2	81.4
Secondary Victim	1.6	4.4	3.8	5.2	6.3	6.1
Related Victim	7.3	9.8	23.8	28.0	13.4	12.2
Section 15 Funeral Expenses	3.2	0.6	0.2	0.3	0.1	0.3
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

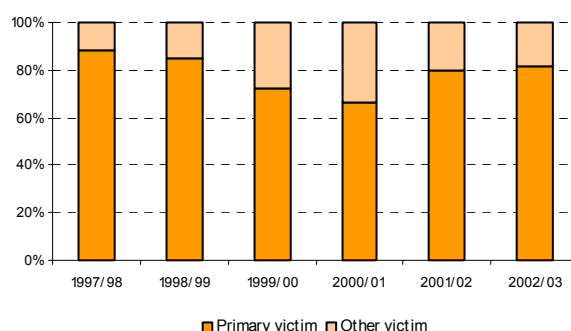
**Figure 6**

**Number of final awards made under *Victims of Crime Assistance Act 1996*, by victim category, 1997/98 - 2002/03**



**Figure 7**

**Victim category distribution where a final award was made under *Victims of Crime Assistance Act 1996*, 1997/98 - 2002/03**



<sup>10</sup> A detailed explanation of victim categories and special financial assistance available in relation to each victim category is provided on pages 6 and 7. Total of awards made excludes applications that were finalised by way of interim awards being made or where no expenses were incurred by the Tribunal (recorded as 'Other Disposal' in Table 2).

<sup>11</sup> This figure does **not** include 'Other Disposals' made under the *Victims of Crime Assistance Act 1996*. These matters are not included because no final award has been made, and therefore they do not fit into any particular category of "victim".

## GENDER OF VICTIMS

Between 1998/99 and 2001/02, just over half of all awards made under the *Victims of Crime Assistance Act 1996* and the *Criminal Injuries Compensation Act 1983* related to female victims, reversing the annual trend prior to 1998/99 where just over half of all awards made related to male victims.

This figure has reversed again, and for the first time in four years there were more awards made to males than females. It should be noted that the number of awards made to females did not decrease over the last year, but rather the number of awards made to males rose by 20.4% (252 awards).

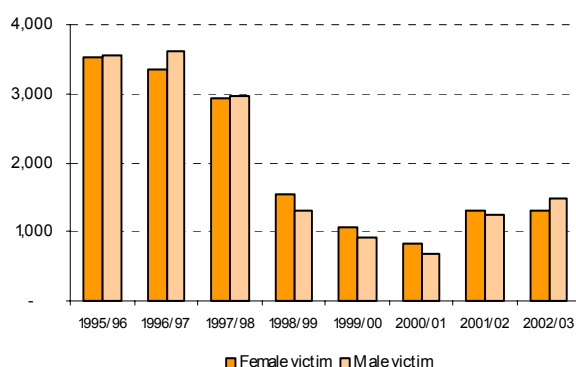
**Table 4**

**Number of finalised applications where an award was made under *Victims of Crime Assistance Act 1996* and *Criminal Injuries Compensation Act 1983*, by gender of victim, 1995/96 - 2002/03 <sup>12</sup>**

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
	<i>Number</i>							
Male victim	3,551	3,620	2,971	1,315	931	683	1,237	1,489
Female victim	3,516	3,355	2,921	1,530	1,056	825	1,292	1,293
Unknown <sup>13</sup>	-	-	-	4	4	2	3	16
<b>TOTAL</b>	<b>7,067</b>	<b>6,975</b>	<b>5,892</b>	<b>2,849</b>	<b>1,991</b>	<b>1,510</b>	<b>2,532</b>	<b>2,798</b>
	<i>Percent</i>							
Male victim	50.2	51.9	50.4	46.2	46.8	45.2	48.9	53.2
Female victim	49.8	48.1	49.6	53.7	53.0	54.6	51.0	46.2
Unknown	0.0	0.0	0.0	0.1	0.2	0.1	0.1	0.6
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

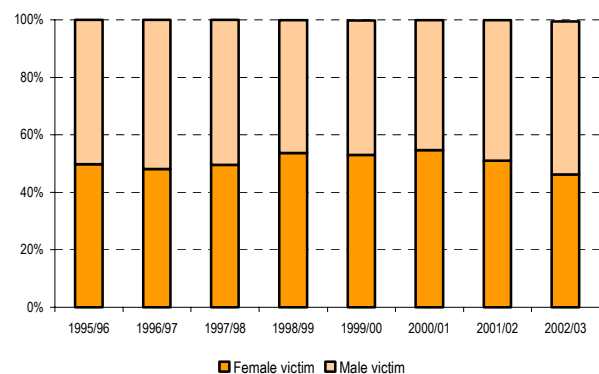
**Figure 8**

**Number of finalised applications where an award was made by gender of victim, 1995/96 - 2002/03**



**Figure 9**

**Gender distribution on finalised applications where an award was made, 1995/96 - 2002/03**



<sup>12</sup> Total for 'awards made' in Table 4 includes applications that were finalised by way of interim awards being made, or where no expenses were incurred by the Tribunal (recorded as 'Other Disposal' in Table 2).

<sup>13</sup> "Unknown" refers to where the gender of the applicant has not been included on the application and is not apparent to the Tribunal from the application.

## AGE OF VICTIMS

Of the awards made under the *Criminal Injuries Compensation Act 1983* and the *Victims of Crime Assistance Act 1996* in 2002/03: <sup>14</sup>

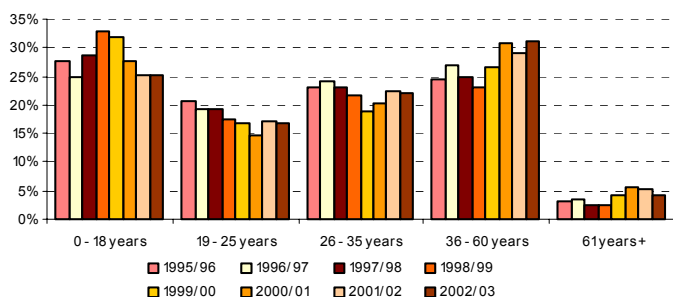
- 25.0% of awards related to persons aged 18 years or less at the time of the incident;
- 70.0% of awards related to persons aged 19 - 60 years at the time of the incident; and
- 4.4% of awards related to persons aged 61 years and above at the time of the incident.

The proportion of persons who were aged 18 years (and under) at the time of the incident where awards were made has generally been between 25% and 29%. The exception to this was 1998/99 and 1999/00, when this figure was over 30%. Similarly, the number of awards made for those aged between 19-60 has generally been between 65% and 70%. There was a corresponding exception in 1998/99 and 1999/00 when this figure dropped to 62.5%. The Tribunal is unaware of any particular reasons as to why the awards over this two year period increased for those aged 18 years and under, and decreased for those aged 19-60. However, the last three years has seen the trend return to a consistent level.

**Table 5**  
Number of finalised applications where an award was made under *Victims of Crime Assistance Act 1996* and *Criminal Injuries Compensation Act 1983* by age of victim at time of incident, 1995/96 - 2002/03 <sup>15</sup>

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
	<i>Number</i>							
0 - 18 years	1,943	1,722	1,683	939	631	420	637	701
19 - 25 years	1,459	1,350	1,131	500	334	221	437	466
26 - 35 years	1,633	1,679	1,357	621	378	306	565	619
36 - 60 years	1,743	1,876	1,460	656	531	466	739	874
61 years and above	231	244	153	69	81	84	135	122
Unknown	58	104	108	64	36	13	19	16
<b>TOTAL</b>	<b>7,067</b>	<b>6,975</b>	<b>5,892</b>	<b>2,849</b>	<b>1,991</b>	<b>1,510</b>	<b>2,532</b>	<b>2,798</b>
	<i>Percent</i>							
0 - 18 years	27.5	24.7	28.6	33.0	31.8	27.8	25.2	25.0
19 - 25 years	20.6	19.4	19.2	17.6	16.8	14.6	17.3	16.7
26 - 35 years	23.1	24.1	23.0	21.8	19.0	20.3	22.2	22.1
36 - 60 years	24.7	26.8	24.8	23.1	26.7	30.8	29.2	31.2
61 years and above	3.3	3.5	2.6	2.4	4.1	5.6	5.3	4.4
Unknown	0.8	1.5	1.8	2.1	1.6	0.9	0.8	0.6
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Figure 10**  
Applications finalised where an award was made by age of victim, 1995/96 - 2002/03



<sup>14</sup> Age of person at the time the act of violence occurred that led to the application being made.

<sup>15</sup> Total for 'awards made' in Table 5 includes applications that were finalised by way of interim awards being made, or where no expenses were incurred by the Tribunal (recorded as 'Other Disposal' in Table 2).

## CASE PROCESSING TIMES

Of the 3,811 applications for assistance that were finalised in 2002/03, 63% were finalised within 12 months of the application being lodged, compared to 76% in the previous year.<sup>16</sup>

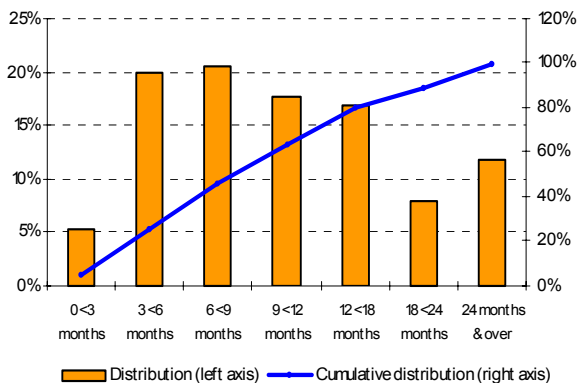
**Table 6**

**Case processing time distribution relating to finalised applications, 1998/99 - 2002/03**

	1998/99	1999/00	2000/01	2001/02	2002/03
Number finalised	4,618	3,008	2,356	3,869	3,811
0 < 3 months	2.2	7.9	5.6	5.2	5.3
3 < 6 months	9.0	23.0	26.9	27.5	19.9
6 < 9 months	6.7	13.5	25.9	26.4	20.5
9 < 12 months	4.2	6.4	11.9	17.1	17.7
12 < 18 months	30.4	7.6	9.8	12.4	16.9
18 < 24 months	22.0	3.2	4.4	3.3	8.0
24 months +	25.5	38.4	15.5	8.1	11.7
TOTAL	100.0	100.0	100.0	100.0	100.0

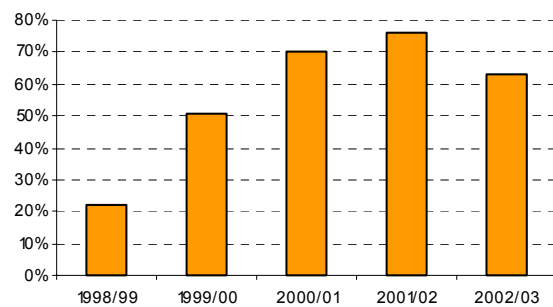
**Figure 12**

**Case processing times for finalised applications, 2002/03**



**Figure 13**

**Proportion of applications finalised within 12 months of commencement, 1998/99 - 2002/03**



<sup>16</sup> Case processing times are not totally under the control of VOCAT since much of the processing time relates to awaiting judgements from other courts and information from other sources. There are a number of factors that will cause delays in finalising the application, including awaiting:

- results of prosecutions / inquests;
- results of medical / psychological reports;
- police briefs;
- prior convictions information from Police;
- notifying the alleged offender.



## PENDING APPLICATIONS

There were 4,624 applications pending (i.e., waiting to be determined) at the end of 2002/03 compared to 4,414 the previous year, representing an increase of 4.8% (210 applications).

Of the applications that were pending at the end of 2002/03:<sup>17</sup>

- 52.3% had been pending for less than 6 months; and
- 74.7% had been pending for less than 12 months.

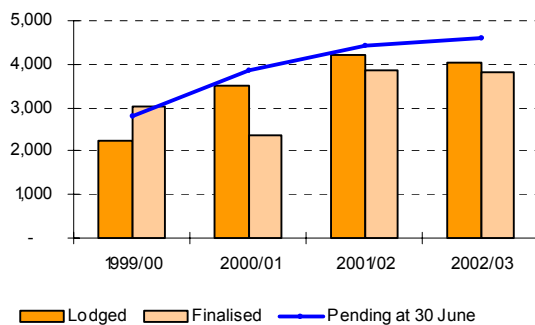
**Table 7**

**Number of applications pending, by age of pending, as at 30 June, 1999/00 - 2002/03<sup>18</sup>**

	1999/00	2000/01	2001/02	2002/03
Number pending	2,793	3,855	4,414	4,624
0 < 3 months	-	-	26.8	29.6
3 < 6 months	-	-	22.6	22.7
6 < 9 months	-	-	13.9	11.9
9 < 12 months	-	-	11.9	10.5
12 < 18 months	-	-	13.1	9.2
18 < 24 months	-	-	4.0	4.9
24 months +	-	-	7.7	11.1
<i>TOTAL</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>

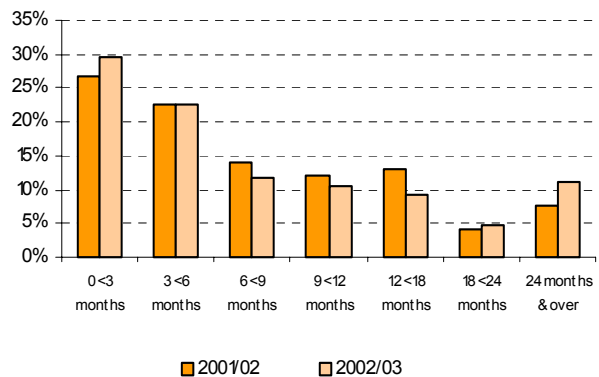
**Figure 14**

**Comparison of number of applications lodged, finalised and pending, 1999/00 - 2002/03**



**Figure 15**

**Age of pending at 30 June, 2001/02 - 2002/03**



<sup>17</sup> An application is pending, if at the end of the reporting period, it has not been finalised. An application is finalised when the Tribunal has made a final award, or the application is refused or struck out.

<sup>18</sup> Statistical data giving the percentage breakdown of cases by age of pending has only been available to the Tribunal since 2001/02

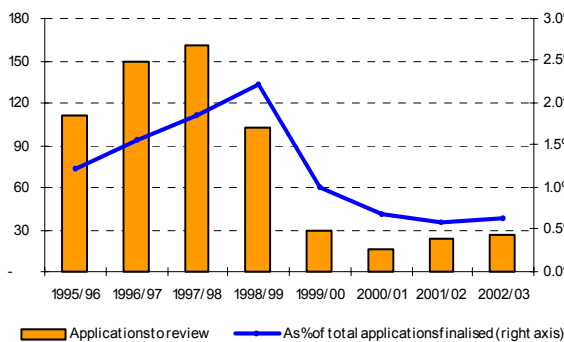
## REVIEW TO VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

In 2002/03 there were 27 applications to review a decision of the Victims of Crime Assistance Tribunal finalised at the Victorian Civil and Administrative Tribunal (VCAT), compared to 23 in the previous year representing an increase of 17.4%.<sup>19</sup>

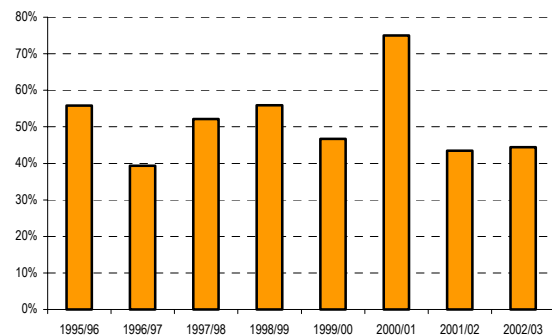
**Table 9**  
Number of applications for review finalised at VCAT, by outcome, 1995/96 - 2002/03

	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
<i>Number</i>								
Decision affirmed / Appeal dismissed <sup>20</sup>	14	24	37	12	3	2	4	7
Award on refusal by CCT /VOCAT <sup>21</sup>	22	18	23	23	4	3	7	9
Award decisions – varied <sup>22</sup>	40	41	61	34	10	9	3	3
Withdrawn / abandoned by applicant	35	61	24	22	9	1	5	4
Struck out	-	6	15	10	3	-	2	-
Referred back to Tribunal	-	-	1	1	1	1	2	4
<b>TOTAL</b>	<b>111</b>	<b>150</b>	<b>161</b>	<b>102</b>	<b>30</b>	<b>16</b>	<b>23</b>	<b>27</b>
<i>Percent</i>								
Decision affirmed / Appeal dismissed	12.6	16.0	23.0	11.8	10.0	12.5	17.4	26.0
Award on Refusal by CCT/VOCAT	19.8	12.0	14.3	22.5	13.4	18.8	30.5	33.3
Award Decisions – varied	36.1	27.3	37.9	33.3	33.3	56.3	13.0	11.1
Withdrawn / abandoned by applicant	31.5	40.7	14.9	21.6	30.0	6.2	21.7	14.8
Struck out	0.0	4.0	9.3	9.8	10.0	0.0	8.7	0.0
Referred back to Tribunal	0.0	0.0	0.6	1.0	3.3	6.2	8.7	14.8
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Figure 18**  
Number of applications for review finalised, and as a proportion of total applications finalised, 1995/96 - 2002/03



**Figure 19**  
Proportion of finalised applications where VCAT made an award / varied an award, 1995/96 - 2002/03



<sup>19</sup> An application for review may be made to the Victorian Civil and Administrative Tribunal when an applicant is dissatisfied with a decision / order of the Victims of Crime Assistance Tribunal.

<sup>20</sup> *Decision affirmed / Appeal dismissed* - VCAT confirmed the original award made by the Victims of Crime Assistance Tribunal.

<sup>21</sup> *Award on refusal CCT/VOCAT* - VCAT overturned the Victims of Crime Assistance Tribunal's refusal of award

<sup>22</sup> *Award decisions varied* - VCAT varied the original award made by the Victims of Crime Assistance Tribunal by either increasing or decreasing the monetary amount awarded.

## AWARDS MADE

In 2002/03 the Victims of Crime Assistance Tribunal awarded:

- \$375,482 under the *Criminal Injuries Compensation Act 1983* compared to \$1,040,018 in the previous year, representing a decrease of 63.9%.
- \$17,237,072 under the *Victims of Crime Assistance Act 1996*, compared to \$13,941,015 in the previous year, representing an increase of 23.6% in the amount of assistance awarded. This increase in the amount of assistance awarded is partly attributed to an increase in the number of applications finalised where awards were made.
- \$2,172,642 in legal costs and disbursements, compared to \$1,641,382 in the previous year, representing an increase of 32.4%.<sup>23</sup>

The Tribunal finalised 353 more applications by way of final award in 2002/03, compared with 2001/02. The increase in legal costs is partly linked to the increase in applications finalised and the increase in amounts awarded under the *Victims of Crime Assistance Act 1996*.

Many applications have a high level of complexity that justifies competent legal representation and incurs associated legal costs. The Tribunal believes that the increase in legal costs reflects a recognition that costs awarded in the past may not have reflected the work done by practitioners. The Tribunal is consulting key stakeholders concerning the proposed introduction of a Scale of Costs as part of a re-examination of legal costs awarded.

**Table 10**

**Amounts awarded by way of compensation, assistance and legal costs, 1998/99 - 2002/03**<sup>24</sup>

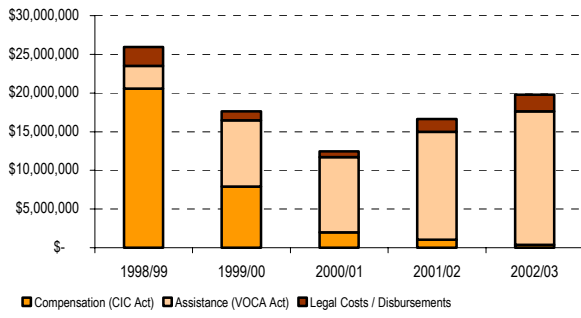
	1998/99	1999/00	2000/01	2001/02	2002/03
	<i>Amount</i>				
Compensation - <i>Criminal Injuries Compensation Act 1983</i>	\$20,580,277	\$7,909,452	\$2,002,049	\$1,040,018	\$375,482
Assistance - <i>Victims of Crime Assistance Act 1996</i>	\$2,938,434	8,568,915	\$9,693,048	\$13,941,015	\$17,237,072
Legal costs / disbursements	\$2,409,478	\$1,137,002	\$769,684	\$1,641,382	\$2,172,642
<b>TOTAL</b>	<b>\$25,928,189</b>	<b>\$17,615,369</b>	<b>\$12,464,781</b>	<b>\$16,622,415</b>	<b>\$19,785,196</b>
	<i>Percent</i>				
Compensation - <i>Criminal Injuries Compensation Act 1983</i>	79.4	44.9	16.1	6.2	1.9
Assistance - <i>Victims of Crime Assistance Act 1996</i>	11.3	48.6	77.7	83.9	87.1
Legal costs / disbursements	9.3	6.5	6.2	9.9	11.0
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

<sup>23</sup> A Tribunal Member has discretion to award legal practitioners costs for assisting an applicant with their claim. These legal costs relate to preparation and appearance fees, and include disbursements consisting of medical, psychological, and hospital reports that were previously paid by the instructing solicitor.

<sup>24</sup> Amounts rounded to the nearest dollar. The statistics and amounts detailed in this Annual Report may differ to previous reports due to revisions to counting rules. Data may also vary between Annual Reports as statistical reports generated on different occasions may differ due to the dynamic nature of the Courtlink database, which is the source of statistical data.

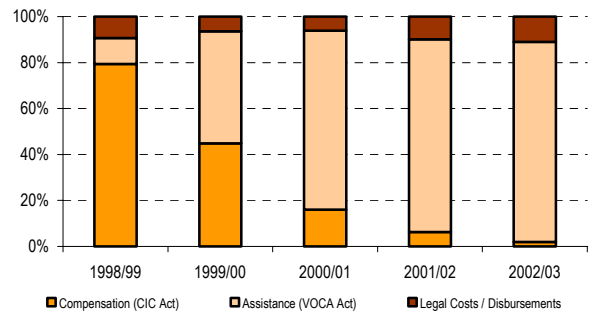
**Figure 20**

**Amount of assistance paid by way of compensation, assistance and legal costs, 1998/99 - 2002/03**



**Figure 21**

**Distribution of type of assistance paid, 1998/99 - 2002/03**



## AWARDS MADE - VICTIMS OF CRIME ASSISTANCE ACT 1996

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In 2002/03, there were 2,712 final awards made under the *Victims of Crime Assistance Act 1996*, compared to 2,311 the previous year, representing an increase of 401 final awards (17.5%). The Tribunal awarded a total of \$17,237,072 in assistance in 2002/03 compared to \$13,941,015 in assistance in 2001/02 (an increase of 23.6%).

The increase in the amount of assistance awarded in 2002/03 is attributed to an increase in the number of applications lodged and finalised from January 2001, where lump sum payments could be awarded in the form of 'special financial assistance'.

Two trends can be seen from Table 11 with respect to assistance awarded. Firstly, there was a decrease in only one category - "*Counselling Expenses*". Total awards for counselling were \$590,874 in the 2000/01 year; \$1,011,375 in the 2001/02 year and \$884,971 in the 2002/03 year. One possible explanation for the changes in counselling expenses awarded by the Tribunal may be attributed to the changes to VRAS (Victims Referral and Assistance Service) entitlements. VRAS revised their policy by introducing a quota for referrals, reducing the number of counselling sessions authorised from 10 sessions to 5 sessions and narrowing the eligibility criteria. This is likely to have resulted in the increased number of applications to the VOCAT for counselling during the 2001/02 year. It is understood that the guidelines were then relaxed during the 2002/03 year.

There is anecdotal evidence to suggest VOCAT is often confused with VRAS. Applications to VRAS are often followed up with an application to VOCAT, and applicants confuse the two organisations. The Melbourne Registry of VOCAT received numerous telephone calls seeking confirmation that they were still assisting victims of crime. Given the confusion created by these changes and the decrease in applicants applying through the VRAS counselling scheme, this may have impacted on the number of applications for counselling sessions being referred to VOCAT. This is supported by the decrease in "*Other Disposals*" from 140 in 2001/02 to 53 in 2002/03 (see Table 2).

Secondly, there was a significant increase over the past two years in the awarding of "*Other Expenses*" (see 'Terminology Table'). The amounts awarded in this category increased from \$994,689 in 2000/01 to \$1,421,220 in 2001/02 (an increase of 42.9%). This amount again increased to \$1,922,616 in 2002/03 (an increase of 35.4% between 2001/02 and 2002/03).

The Tribunal attributes the rises in awards for "*Other Expenses*" to secondary and related victims becoming eligible to apply for expenses to assist recovery as a result of amendments to the *Victims of Crime Assistance Act 1996*, which came into operation on 1<sup>st</sup> January 2001. In addition, there is anecdotal evidence to suggest there is an increased awareness, knowledge and understanding by both solicitors and applicants of these sections of the Act. The Tribunal believes that as more applicants become aware of their entitlements to make claims, the number of awards made by Tribunal Members in this category will also increase.

The majority of special financial assistance awarded in 2002/03 under the *Victims of Crime Assistance Act 1996* was to victims in Category A, followed by Category B, Category C and Category D (see 'Categories of Special Financial Assistance'). The Tribunal paid \$2,429,875 in special financial assistance for acts of violence that occurred against victims in Category A. This represents 52% of all special financial assistance awarded in 2002/03.

**Table 11**

**Amount of assistance awarded by category under the *Victims of Crime Assistance Act 1996, 1998/99 - 2002/03*<sup>25</sup>**

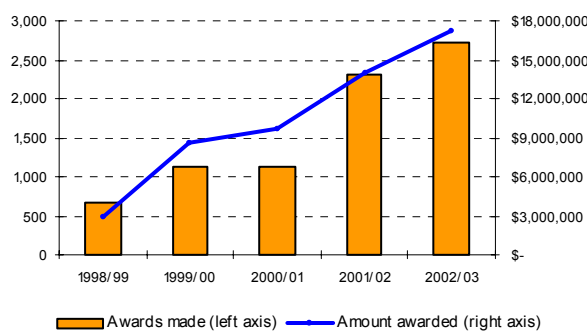
	1998/99	1999/00	2000/01	2001/02	2002/03
Special Financial Assistance	-	-	\$210,800	\$3,221,561	\$4,667,030
Pecuniary Loss	\$628,664	\$1,446,077	\$1,341,441	\$1,944,559	\$2,254,855
Dependency Loss	-	\$420	\$6,812	\$37,848	\$72,602
Medical Expenses	\$125,519	\$402,791	\$421,789	\$580,910	\$790,077
Counselling Expenses	\$160,169	\$581,314	\$590,874	\$1,011,375	\$884,971
Funeral Expenses	\$368,271	\$420,802	\$483,018	\$499,453	\$583,250
Distress	\$964,146	\$4,969,949	\$5,643,694	\$5,224,090	\$6,061,671
Other Expenses	\$691,665	\$747,564	\$994,689	\$1,421,220	\$1,922,616
<b>TOTAL</b>	<b>\$2,938,434</b>	<b>\$8,568,915</b>	<b>\$9,693,048</b>	<b>\$13,941,015</b>	<b>\$17,237,072<sup>26</sup></b>

**Percentage**

	1998/99	1999/00	2000/01	2001/02	2002/03
Special Financial Assistance	0.0	0.0	2.2	23.1	27.1
Pecuniary Loss	21.4	16.9	13.8	13.9	13.1
Dependency Loss	0.0	0.0	0.1	0.3	0.4
Medical Expenses	4.3	4.7	4.4	4.2	4.6
Counselling Expenses	5.5	6.8	6.1	7.3	5.1
Funeral Expenses	12.5	4.9	5.0	3.6	3.4
Distress	32.8	58.0	58.2	37.5	35.2
Other Expenses	23.5	8.7	10.2	10.1	11.1
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

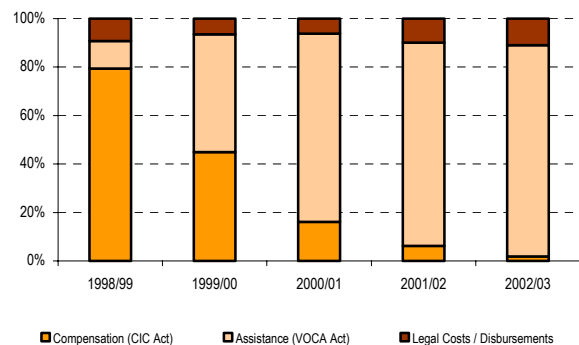
**Figure 22**

**Comparison of number of final awards made and total amount of assistance awarded under *Victims of Crime Assistance Act 1996, 1998/99 - 2002/03***



**Figure 23**

**Distribution of total assistance awarded under *Victims of Crime Assistance Act 1996, 1998/99 - 2002/03***



<sup>25</sup> Amounts rounded to the nearest dollar. The statistics and amounts detailed in this Annual Report may differ to previous reports due to revisions to counting rules. Data may also vary between Annual Reports as statistical reports generated on different occasions may differ due to the dynamic nature of the Courtlink database, which is the source of statistical data.

<sup>26</sup> This figure will differ from the amount in the 'Magistrates Court Annual Report'. The above figure refers to the amount of compensation **awarded** by the Tribunal for the year 2002/03. The figure in the Magistrates Court Annual Report refers to the amount actually **paid out** by the Tribunal for the year 2002/03.

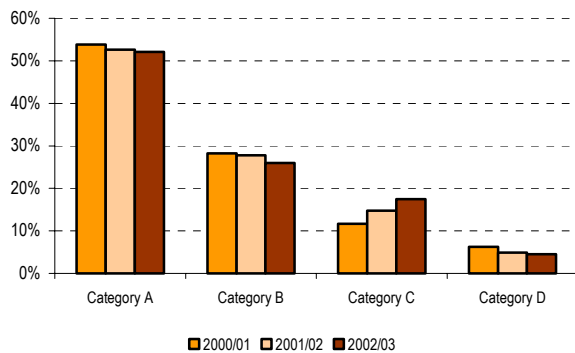
**Table 12**

**Amount of special financial assistance awarded, by category, 2000/01 - 2002/03 <sup>27</sup>**

Category of Special Financial Assistance	2000/01		2001/02		2002/03	
	Amount	Percentage	Amount	Percentage	Amount	Percentage
Category A	\$113,500	53.9	\$1,694,400	52.6	\$2,429,875	52.1
Category B	\$59,500	28.2	\$894,200	27.8	\$1,210,650	25.9
Category C	\$24,650	11.7	\$475,911	14.8	\$815,504	17.5
Category D	\$13,150	6.2	\$157,050	4.8	\$211,001	4.5
<b>TOTAL</b>	<b>\$210,800</b>	<b>100.0</b>	<b>\$3,221,561</b>	<b>100.0</b>	<b>\$4,667,030</b>	<b>100.0</b>

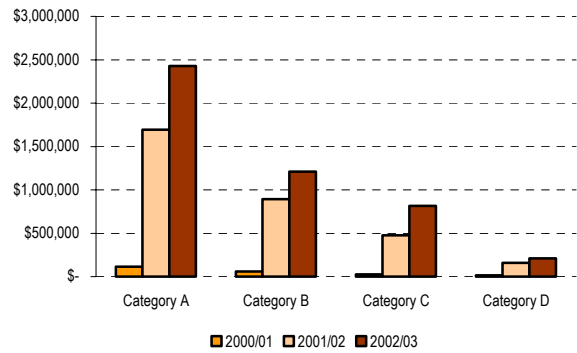
**Figure 24**

**Distribution of Special Financial Assistance awarded by category, 2000/01 - 2002/03**



**Figure 25**

**Amount of Special Financial Assistance awarded by category 2000/01 - 2002/03**



<sup>27</sup> Amounts rounded to nearest dollar.

## AWARDS MADE - CRIMINAL INJURIES COMPENSATION ACT 1996

In 2002/03 there were 33 awards of compensation made under the *Criminal Injuries Compensation Act 1983*, compared to 81 in the previous year, representing a decrease of 59.3% (48 awards). The Tribunal awarded a total of \$375,482 in relation to the 33 awards made. These figures will continue to decrease as more applications under the *Criminal Injuries Compensation Act 1983* are finalised.

Of the amount awarded in 2002/03, 79.7% related to payments for pain and suffering.

**Table 13**

**Amount of assistance awarded under the *Criminal Injuries Compensation Act 1983*, by category of assistance awarded, 1998/99 - 2002/03<sup>28</sup>**

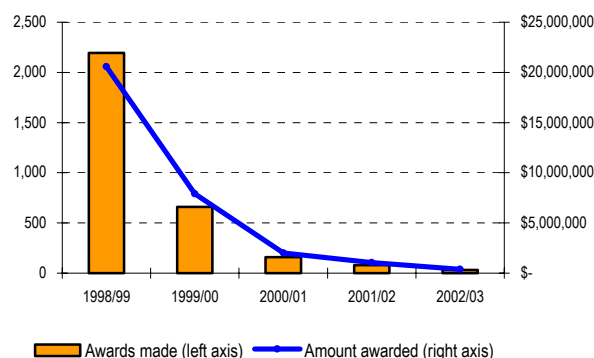
	1998/99	1999/00	2000/01	2001/02	2002/03
Pain and Suffering	\$18,091,984	\$6,718,875	\$1,641,517	\$810,736	\$299,429
Pecuniary Loss	\$651,754	\$335,657	\$108,303	\$108,319	\$20,200
Dependency Loss	\$33,680	\$1,500.00	-	-	-
Medical Expenses	\$101,342	\$171,299	\$81,024	\$39,486	\$17,221
Counselling Expenses	\$335,755	\$473,588	\$110,021	\$36,553	\$9,821
Other	\$1,365,761	\$208,532	\$61,184	\$44,924	\$28,811
<b>TOTAL</b>	<b>\$20,580,277</b>	<b>\$7,909,452</b>	<b>\$2,002,049</b>	<b>\$1,040,018</b>	<b>\$375,482</b>

### Percentage

	1998/99	1999/00	2000/01	2001/02	2002/03
Pain and Suffering	87.9	84.9	82.0	78.0	79.7
Pecuniary Loss	3.2	4.3	5.4	10.4	5.4
Dependency Loss	0.2	0.0	0.0	0.0	0.0
Medical Expenses	0.5	2.2	4.0	3.8	4.6
Counselling Expenses	1.6	6.0	5.5	3.5	2.6
Other	6.6	2.6	3.1	4.3	7.7
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

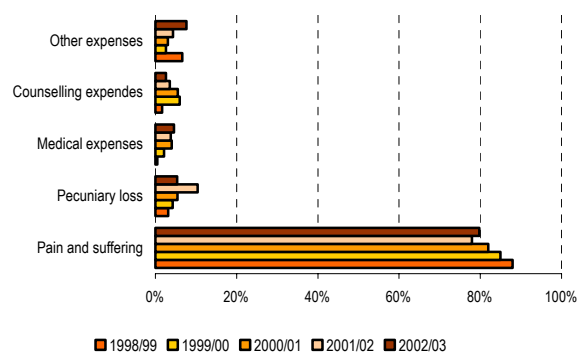
**Figure 25**

**Comparison of number of awards made and amount of assistance awarded under *Criminal Injuries Compensation Act 1983*, 1999/00 - 2002/03**



**Figure 26**

**Distribution of type of assistance awarded under *Criminal Injuries Compensation Act 1983*, 1998/99 - 2002/03**



<sup>28</sup> Amounts rounded to the nearest dollar. The statistics and amounts detailed in this Annual Report may differ to previous reports due to revisions to counting rules. Data may also vary between Annual Reports as statistical reports generated on different occasions may differ due to the dynamic nature of the Courtlink database, which is the source of statistical data.



## AWARD AMOUNTS

Table 14

Applications finalised, where an award was made, by award amount, 2001/02 - 2002/03<sup>29</sup>

Award Amount	2001/02			Percentage			2002/03			Percentage		
	CIC Act	VOCA Act	Total	CIC Act	VOCA Act	Total	CIC Act	VOCA Act	Total	CIC Act	VOCA Act	Total
Under \$1,000	7	639	646	8.6	26.1	25.5	1	601	602	3.0	21.7	21.5
\$1,000 - 3,000	5	769	774	6.2	31.4	30.6	4	912	916	12.1	33.0	32.7
\$3,000 - 5,000	12	307	319	14.8	12.5	12.6	6	363	369	18.2	13.1	13.2
\$5,000 - 7,000	5	168	173	6.2	6.9	6.8	4	191	195	12.1	6.9	7.0
\$7,000 - 10,000	4	188	192	4.9	7.7	7.6	3	234	237	9.2	8.5	8.5
\$10,000 - 20,000	30	207	237	37.1	8.4	9.4	7	235	242	21.2	8.5	8.6
\$20,000 - 30,000	14	113	127	17.3	4.6	5.0	7	144	151	21.2	5.2	5.4
\$30,000 - 40,000	3	37	40	3.7	1.5	1.6	1	50	51	3.0	1.8	1.8
\$40,000 - 50,000	1	23	24	1.2	0.9	0.9	-	35	35	-	1.3	1.3
<b>TOTAL</b>	<b>81</b>	<b>2,451</b>	<b>2,532</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>33</b>	<b>2,765</b>	<b>2,798</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 15

Average amount awarded per finalised application under *Victims of Crime Assistance Act 1996* and *Criminal Injuries Compensation Act 1983*, 1998/99 - 2002/03<sup>30</sup>

	1998/99	1999/00	2000/01	2001/02	2002/03
<i>Criminal Injuries Compensation Act 1983</i>	\$9,385	\$11,966	\$12,513	\$12,840	\$11,378
<i>Victims of Crime Assistance Act 1996</i>	\$4,479	\$6,443	\$7,180	\$5,688	\$6,234

Figure 27

Distribution of award amounts under *Criminal Injuries Compensation Act 1983* and *Victims of Crime Assistance Act 1996*, 2002/03

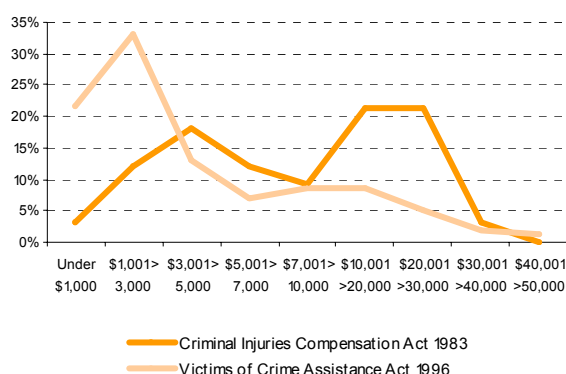
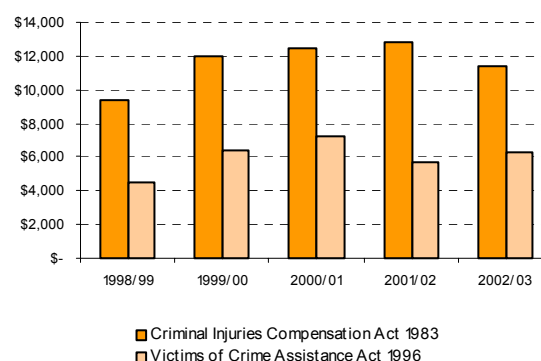


Figure 28

Average amount awarded per finalised application under *Victims of Crime Assistance Act 1996* and *Criminal Injuries Compensation Act 1983*, 1998/99 - 2002/03



<sup>29</sup> Total final awards made includes applications referred to in this report as 'Other Disposals', where the applications were finalised by way of interim awards being made or where the Tribunal incurred no expenses.

<sup>30</sup> Average amount awarded per finalised application does **not** include legal costs and disbursements.

## AWARDS HELD IN TRUST

In 2002/03, 290 awards were invested in Trust on behalf of victims of crime.<sup>31</sup>

On 30 June 2003:

- there were 2,305 awards held in Trust on behalf of victims, compared to 2,617 the previous year, representing a decrease of 11.9% (312 awards);<sup>32</sup>
- \$23,786,732 was invested in Trust in relation to the 2,305 awards held in Trust, compared to \$26,611,732 the previous year, representing a decrease of 11.7% (\$2,825,000);
- \$1,194,056 interest had been earned in relation to awards invested in Trust in the previous 12 months, compared to \$1,345,368 the previous year, representing a decrease of 11.3% (\$151,312).

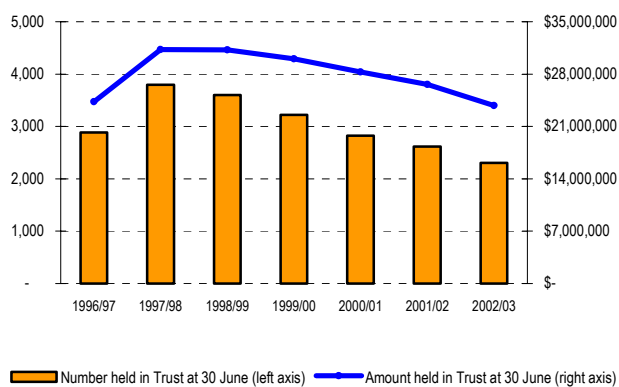
**Table 16**

**Number of awards held in Trust at 30 June, total Trust money invested and interest earned, 1996/97 - 2002/03<sup>33</sup>**

	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Awards held in Trust	2,883	3,797	3,599	3,219	2,821	2,617	2,305
Award amount invested	\$24,317,978	\$31,298,066	\$31,221,948	\$30,054,232	\$28,293,572	\$26,611,732	\$23,786,732
Interest earned on amount in Trust	\$1,690,796	\$1,467,745	\$1,527,457	\$1,673,406	\$1,596,654	\$1,345,368	\$1,194,056

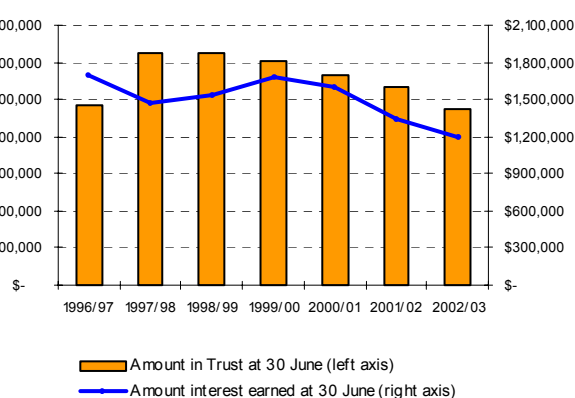
**Figure 29**

**Number of awards held in Trust and amount invested at 30 June, 1996/97 - 2002/03**



**Figure 30**

**Comparison of amount invested in Trust and interest earned at 30 June, 1996/97 - 2002/03**



<sup>31</sup> Amounts awarded to minors and persons who, in the opinion of the Tribunal are unable to administer their own finances, are held in trust by the Tribunal for that person as directed by the Tribunal member. Most amounts held in Trust relate to children under the age of 18 years old.

<sup>32</sup> The decrease since 1997/98 in the amount held in Trust is consistent with the decrease in the number of awards made where the victim was aged 18 years or below at the time of the offence leading to the application to the Tribunal.

<sup>33</sup> Amounts rounded to the nearest dollar. The statistics and amounts detailed in this Annual Report may differ to previous reports due to revisions to counting rules. Data may also vary between Annual Reports as statistical reports generated on different occasions may differ due to the dynamic nature of the Courtlink database, which is the source of statistical data.

## OPERATING STATEMENT

The Victims of Crime Assistance Tribunal is allocated a budget each financial year. The Tribunal is required to assign a percentage of this budget to the operating costs and associated expenses incurred such as salaries, office equipment, stationery, training courses and property utilities. The salaries and operating costs for the period 1998/99 - 2002/03, and the operating statement for the 2002/03 financial year are presented below.

**Table 17**  
**Salaries and operating costs, 1998/99 - 2002/03**

	1998/99	1999/00	2000/01	2001/02	2002/03
Salaries and operating costs	\$1,162,007	\$1,184,686	\$1,241,949	\$1,386,807	\$1,560,800

**Table 18**  
**Operating statement for the year ending 30 June 2003**

	Budget	Actuals
<b>Employee Related Costs</b>		
Salaries	900,000	876,304
Overtime	0	0
<b>Total salaries and overtime</b>	<b>900,000</b>	<b>876,304</b>
WorkCover	10,000	10,308
Provision for long service leave	10,000	40,620
Payroll tax	50,000	48,752
Fringe benefits tax	0	-1,289
Superannuation	72,000	76,321
<b>Total subsidiary salary costs</b>	<b>142,000</b>	<b>174,712</b>
Travel & personal expenses	10,000	11,536
Printing stationery & office requisites	65,330	61,549
Postage and communication expenses	22,008	23,031
Contractors & professional services <sup>34</sup>	170,929	164,591
Training and development	2,000	2,965
Motor vehicle expenses	10,000	7,486
Other operating expenses	2,996	2,975
Jury, Witness and Award Payments	0	145
Information Technology	145,000	168,356
Urgent Essential Works	0	200
Rent and Property Services	16,404	40,374
Property Utilities	8,333	7,069
Maintenance	20,000	19,507
<b>Total operating expenditure</b>	<b>473,000</b>	<b>509,784</b>
<b>Total special appropriations</b>	<b>1,515,000</b>	<b>1,560,800</b>

<sup>34</sup> This expenditure related to the enhancements / development of the Tribunals' case management system (Courtlink).

## LOCALITY OF OFFENCES BY NON-METROPOLITAN LOCAL GOVERNMENT AREA

**Table 19**

**Number of finalised applications where an award was made by non-metropolitan local government area where offence occurred, 2002/03** <sup>35</sup>

Local Government Area	CIC Act	VOCA Act	Total	Local Government Area	CIC Act	VOCA Act	Total
Alpine	-	16	16	Moyne	-	1	1
Ararat	1	3	4	Murrindindi	-	3	3
Bacchus Marsh	-	16	16	Northern Grampians	-	12	12
Bairnsdale	-	7	7	Portland	-	-	-
Ballarat	4	100	104	Pyrenees	-	2	2
Bass Coast	-	7	7	Queenscliff	-	-	-
Baw Baw	-	20	20	South Gippsland	-	17	17
Buloke	-	3	3	Southern Grampians	-	11	11
Campaspe	2	37	39	Southern Rural	-	4	4
Central Goldfields	-	11	11	Strathbogie	-	3	3
Colac Otway	-	10	10	Surfcoast	-	12	12
Corangamite	-	12	12	Swan Hill	-	31	31
Delatite	-	16	16	Towong	-	1	1
East Gippsland	-	14	14	Warrnambool	-	32	32
Gannawarra	-	13	13	Wellington	-	23	23
Glenelg	-	8	8	West Wimmera	-	1	1
Golden Plains	-	-	-	Wodonga	-	14	14
Greater Bendigo	-	59	59	Yarriambiack	-	5	5
Greater Geelong	2	140	142	<b>Total - Country</b>	<b>11</b>	<b>958</b>	<b>969</b>
Greater Shepparton	-	55	55				
Hepburn	-	6	6				
Hindmarsh	-	6	6				
Horsham	-	7	7				
Indigo	-	6	6				
Kilmore	-	1	1				
La Trobe	-	47	47				
Lodden	-	7	7				
Macedon Ranges	-	22	22				
Marong	-	7	7				
Milawa	-	23	23				
Mildura	-	46	46				
Mitchell	-	8	8				
Moira	-	25	25				
Moorabool	-	2	2				
Morwell	2	20	22				
Mount Alexander	-	6	6				

<sup>35</sup> *CIC Act* refers to awards made under the *Criminal Injuries Compensation Act 1983*. *VOCA Act* refers to awards made under the *Victims of Crime Assistance Act 1996*.

The data contained in this table are sourced from the application form lodged with the Tribunal.

Total of awards made includes applications that were finalised by way of interim awards being made or where no expenses were incurred by the Tribunal (recorded as 'other disposal' in Table 2).

## LOCALITY OF OFFENCES BY METROPOLITAN LOCAL GOVERNMENT AREA

Table 20

Number of finalised applications where an award was made by metropolitan local government area where offence occurred, 2002/03 <sup>36</sup>

Local Government Area	<i>Criminal Injuries Compensation Act 1983</i>	<i>Victims of Crime Assistance Act 1996</i>	Total
Banulye	2	50	52
Bayside	-	32	32
Boroondara	2	55	57
Brimbank	2	123	125
Cardinia	1	21	22
Casey	-	114	114
Cranbourne	-	1	1
Darebin	1	68	69
Frankston	2	67	69
Glen Eira	-	33	33
Greater Dandenong	-	112	112
Hobsons Bay	-	28	28
Hume	-	64	64
Kingston	1	76	77
Knox	2	44	46
Manningham	-	23	23
Maribyrnong	-	53	53
Maroondah	-	40	40
Melbourne	1	196	197
Melton	-	16	16
Monash	4	60	64
Mooney Valley	-	34	34
Moreland	-	50	50
Mornington Peninsula	1	71	72
Nillimbik	-	10	10
Port Phillip	-	93	93
Stonnington	-	65	65
Werribee	-	7	7
Whitehorse	1	23	24
Whittlesea	1	35	36
Wyndham	-	30	36
Yarra	-	67	67
Yarra Ranges	1	46	47
<b>Total</b>	22	1,807	1,829

<sup>36</sup> The data contained in this table are sourced from the application form lodged with the Tribunal.

Total of awards made includes applications that were finalised by way of interim awards being made or where no expenses were incurred by the Tribunal (recorded as 'other disposal' in Table 2).

## EMPLOYMENT STATUS OF VICTIMS WHERE AWARD MADE

**Table 21**

**Number of finalised applications where an award was made by occupation / profession of victim, 2002/03 <sup>37</sup>**

<b>Occupation</b>	<b><i>Criminal Injuries Compensation Act 1983</i></b>	<b><i>Victims of Crime Assistance Act 1996</i></b>	<b>Total Awards</b>
Actor / artist	1	4	5
Bank & building society employee	-	14	14
Children	4	70	74
Clerical	-	49	49
Driver	-	42	42
Factory worker	-	20	20
Farmer / farm employee	-	16	16
Home duties	6	273	279
Hotel & restaurant employee	1	37	38
Labourer	1	64	65
Lawyer	-	3	3
Manager	-	29	29
Medical practitioner	-	2	2
Nursing staff	-	40	40
Pensioner	1	164	165
Police officer	-	64	64
Prison officer	-	2	2
Professional	2	123	125
Process server	-	1	1
Public service employee	-	12	12
Public transport employee	-	8	8
Retired	-	42	42
Sales person	-	79	79
Security guard	-	32	32
Self employed	1	24	25
Service station employee	-	18	18
Storeman	-	19	19
Student	8	471	479
Taxi driver	-	20	20
Technician	-	10	10
Tradesperson	-	96	96
Unemployed	4	228	232
Other	4	687	691
<b>Total</b>	<b>33</b>	<b>2765</b>	<b>2798</b>

<sup>37</sup> The information contained in this table is sourced from the application form lodged with the Tribunal.

Total of awards made includes applications that were finalised by way of interim awards being made or where no expenses were incurred by the Tribunal (recorded as 'other disposal' in Table 2).

## AWARDS MADE BY OFFENCE DESCRIPTION

**Table 22**

**Number of finalised applications where an award was made by description of offence leading to application, 2002/03**

<sup>38</sup>

Criminal Act (as contained in application)	Criminal Injuries Compensation Act	Victims of Crime Assistance Act	TOTAL
	1983	1996	
	Total	Total	
Aggravated burglary	-	80	80
Armed robbery	-	195	195
Armed robbery – bank	-	10	10
Arson	-	21	21
Assault	13	1148	1161
Assault – O.A.B.H <sup>39</sup>	-	20	20
Assault and robbery	-	45	45
Assault with a weapon	-	49	49
Attempted murder	-	42	42
Burglary	-	23	23
Cause injury intentionally or recklessly	2	113	115
Cause serious injury	2	75	77
Culpable driving	-	62	62
Hinder police	-	2	2
Incest	1	39	40
Indecent assault / attempted rape	9	241	250
Kidnapping / false imprisonment	-	19	19
Malicious wounding	-	1	1
Manslaughter	-	13	13
Murder	2	234	236
Negligently cause serious injury	-	2	2
Other offences	2	156	158
Rape	2	99	101
Threats	-	16	16
Threats to kill	-	51	51
Trying to aid / rescue victim	-	1	1
Trying to prevent commission of offence	-	8	8
<b>Total</b>	<b>33</b>	<b>2,765</b>	<b>2,798</b>

<sup>38</sup> The information contained in this table is sourced from the application form lodged with the Tribunal.

Total of awards made includes applications that were finalised by way of interim awards being made or where no expenses were incurred by the Tribunal (recorded as 'other disposal' in Table 2).

<sup>39</sup> OABH refers to the offence description of 'occasioning actual bodily harm'.

## TRIBUNAL MEMBERS

---

### Chief Magistrate

Ian Leslie **Gray**

### Deputy Chief Magistrates

Daniel John **Muling**

Jelena **Popovic**

Brian Stirtevant **Barrow**

### State Co-ordinating Magistrate

Paul Douglas **Grant**

### State Coroner

Graeme Douglas **Johnstone**

### Deputy State Coroner

Iain Treloar **West**

### Magistrates

Henry Clive **Alsop**

Kathryn Helen **Auty**

Donna **Bakos**

Raffaele **Barberio**

Thomas Arthur Dent **Barrett**

Edwin Charles **Batt**

Maxwell Charles Speedie **Beck**

Isaac Joseph **Beder**

Ross Frederick **Betts**

Susan Adele **Blashki**

Angela Joy **Bolger**

Jennifer Carolyn Anne **Bowles**

Barry Bernard **Braun**

Leonard Harold **Brear**

Felicity Anne **Broughton**

Andrew Thomas **Capell**

James Maxwell Brooke **Cashmore**

Brian Joseph **Clifford**

Bernard Joseph **Coburn**

Michael **Coghlan**

Ann Elizabeth **Collins**

Barbara Ann **Cotterell**

David Bruce Sidney **Cottrill**

Peter **Couzens**

Rodney Leslie **Crisp**

Jillian Mary **Crowe**

John William **Doherty**

John Phillip **Dugdale**

Caitlin Creed **English**

Julian Francis **Fitz-Gerald**

Lesley Ann **Fleming**

Roger Wilson **Franich**

William Paterson **Gibb**

Phillip **Goldberg**

Jennifer Anne Benn **Goldsbrough**

Maurice **Gurvich**

Harold Rupert **Hallenstein**

Lisa Anne **Hannan**

Harley James **Harber**

Margaret Gill **Harding**

John William **Hardy**

Thomas Kevin **Hassard**

Kate Isabella **Hawkins**

Jacinta Mary **Heffey**

Francis William **Hender**

Louis Joseph **Hill**

Francis Ross **Hodgens**

Frank William Dudley **Jones**

Jonathon George **Klestadt**

Robert Krishnan Ashkok **Kumar**

Elizabeth Anne **Lambden**

Catherine Frances **Lamble**

Nunzio **La Rosa**

Peter Henry **Lauritsen**

Gregory John Zalman **Levine**

Keith William **Lewis**

Colin Eunan **Macleod**

Kay Helen **Macpherson**

Lance Ivan **Martin**

Anne Jeanette **Maughan**

Timothy John **McDonald**

Ian Thomas **McGrane**

Rowan George **McIndoe**

Clive James **McPherson**

Peter Harry **Mealy**

Michael Francis **Moloney**

John Martin **Murphy**

John Charles **Myers**

William John George **O'Day**

Thomas Michael **O'Dwyer**

Denise Mary **O'Reilly**

Kim Michelle Willmott **Parkinson**

Jane Marie Josephine **Patrick**

Peter Thomas **Power**

Noel Brian **Purcell**

Steven **Raleigh**

Duncan Keith **Reynolds**

Ronald Norman **Saines**

Michael Leslie **Smith**

Paul Anthony **Smith**

Paresa Antoniadis **Spanos**

Alan John **Spillane**

Heather Margaret **Spooner**

Christine Anne **Stewart-Thornton**

Michael Henry Lewis **Stone**

Noreen Mary **Toohey**

Robert Leslie **Tuppen**

Ian Maxwell **von Einem**

Susan Melissa **Wakeling**

Belinda Jane **Wallington**

Hugh Malcolm **Walter**

William Peter **White**

Wendy Anne **Wilmoth**

Brian Philip **Wynn-Mackenzie**

### Acting Magistrates

Barry Francis **Docking**

Philip John **Rodda**

William Desmond **Martin**

Terry John **Wilson**

James Stanislaus **Mornane**

Lewis Phillip **Byrne**

Lionel **Winton-Smith**

John Douglas **Bolster**