

Victims of Crime Assistance Tribunal Victoria



Annual Report 2006-07



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Letter to the Minister

The Honourable Rob Hulls MP
Attorney-General
Level 26, 121 Exhibition Street
Melbourne Vic 3002

Dear Attorney-General,

In accordance with the requirements of section 68 of the *Victims of Crime Assistance Act 1996*, I am pleased to present the annual report of the Victims of Crime Assistance Tribunal for the year ending 30 June 2007. The report sets out the Tribunal's functions, powers and duties, and the performance and operations of the Tribunal during the year under review.

Yours sincerely



Ian L Gray
Chief Magistrate

27 August 2007

Chief Magistrate's Message

The 30th of June 2007 marked a decade of the operation of the Victims of Crime Assistance Tribunal, which commenced following the abolition of the Crimes Compensation Tribunal that had operated in Victoria since 1973. Over the last 10 years, the Tribunal received 33,548 applications for financial assistance, and awarded \$275.4 million to victims of violent crime by way of 26,642 awards of financial assistance, and thousands of urgent awards of interim financial assistance. This assistance was awarded to victims of crime for expenses incurred by them in recovering from the crime, and to acknowledge the trauma and distress experienced by them as a result of an act of violence being committed.

In the 2002 *Services to Victims of Crime Report*, the need for a comprehensive and integrated service for victims of crime was emphasised. The Tribunal's priorities over the past five years have been to:

- improve access by the Victorian community to the Tribunal;
- improve the Tribunal's communication with the Victorian community;
- respond to the evolving and changing needs of victims of crime; and
- continue to deal with applications in an efficient and empathetic manner.

In recent years, the Tribunal has undertaken or participated in a range of activities and initiatives with the intention of meeting these priorities. These activities included undertaking or contributing to a large number of information sessions, forums and consultations in rural, metropolitan and indigenous communities and to service providers and legal practitioners; the establishment of the Koori VOCAT List; and the proactive approach to the management of applications arising from major incidents.

In the year ending 30 June 2007, the Tribunal received more applications for assistance than ever before (4,508) and made more awards of financial assistance than in any previous year (3,134). In addition, the Tribunal received 27,432 visits to its website, which is an increase of 41% in comparison to the previous year (19,400). It is hoped that the steady increase in applications received by the Tribunal reflects an increased awareness of the availability of financial

assistance and acknowledgement available to victims of crime through the Tribunal.

Awards of special financial assistance in this reporting period (of \$6.8 million), paid to victims on behalf of the community in recognition of the harm they have suffered as a direct result of a crime, exceeded the total awarded in any previous year. The 2007 amendment of the *Victims of Crime Assistance Act 1996* increased potential awards of special financial assistance by upwards of 30% for acts of violence committed on or after 1 July 2007.

On 10 August 2006, the Koori VOCAT List was launched, reflecting a commitment by the Tribunal to ensure that Indigenous Victorians have the opportunity to access financial assistance to assist them to recover from an act of violence, and recognition of them having suffered trauma and distress as a result of a crime. The List was established for a pilot period of two years following a process of community consultation. The List is intended to enable the Tribunal to respond with flexibility to the particular circumstances of Koori victims of crime, and to identify common trends and a range of useful procedural responses to inform the Tribunal's ongoing practice. The Tribunal is an active participant in a Working Group established to make further recommendations to promote access to services for Indigenous Victorians.

The Tribunal took a proactive approach to a number of major traumatic incidents giving rise to many applications, designating one registrar and one Tribunal member to manage all related applications to ensure a consistent and timely response. In the weeks following the rail/road incident in Kerang in June 2007, the Principal Registrar initiated meetings with agencies involved in providing services to victims and their families (including the Road Trauma Support Team, Victoria Police Victims Advisory Unit, the Victims Support Agency, Victims Assistance and Counselling Program, and Coroner's Court) to advise them of the assistance available through the Tribunal and how such assistance might be accessed.

The past year has also been a period for consolidating and reviewing the practices and processes of the Tribunal to ensure its efficient and effective operation. It is encouraging to observe that the increase in the number of awards made is accompanied by improvements in the time taken to finalise applications for assistance in comparison to previous years. It is anticipated that the work of recent months regarding Tribunal processes will come to fruition over the next reporting period.

In March 2007, Samantha Adrichem commenced as Principal Registrar of the Tribunal and has approached the role with enthusiasm and professionalism. I thank her, her commendable predecessor Jan Dundon, and all of the dedicated registrars of the Tribunal for their commitment to the administration of the important functions of this Tribunal.

The Tribunal's Coordinating Committee met monthly throughout the year to oversee the work of the Tribunal. I thank those magistrates and registrars of the Committee for their dedication and leadership.

I commend also the Magistrates of the Magistrates' Court of Victoria. Each magistrate performs the function of Tribunal Member. It is my firm view that the empathy for and understanding of the experience of victims of crime acquired by magistrates in this Tribunal is reflected in decisions made in the Magistrates' Court.



Chief Magistrate Ian Gray

Tribunal Role, Process and Assistance Awarded

The Victims of Crime Assistance Tribunal (the Tribunal) was established by the *Victims of Crime Assistance Act 1996* to acknowledge and provide assistance to victims of violent crime committed in Victoria, and to be a sympathetic and compassionate forum for applicants to relate their experience.

The Tribunal operates throughout Victoria, and provides awards of financial assistance to victims of crime for certain expenses that have resulted from the crime to assist them to recover from the crime, special financial assistance in some circumstances, and awards for distress in cases where the act of violence resulted in death.

In the 12 months ending 30 June 2007, the Tribunal awarded \$32,569,192 in financial assistance to victims of crime, compared to \$26,973,075 in the previous year (increase of 21%). The amount awarded in the reporting period comprised \$27,062,594 for expenses incurred and lump sum payments for special financial assistance and distress (compared to \$22,524,312 in the previous year), and authorisation for expenditure of \$5,506,598 for future expenses (compared to \$4,448,762 in the previous year).

How an application for financial assistance is made

An application for financial assistance from the Tribunal is made in writing by completing and lodging an application in the prescribed form, which is available from the Tribunal's website (www.vocat.vic.gov.au) and all venues of the Magistrates' Court of Victoria.

There were 4,508 applications for financial assistance lodged with the Tribunal in the year ending 30 June 2007, compared to 4,470 in the previous year (increase of 1%). This is the highest number of applications lodged in one year since the Tribunal commenced on 1 July 1997.

An application to the Tribunal must include information about the act of violence, the injury or death arising from that act, whether the act has been reported to police, the amount and type

of assistance sought by the victim, whether the applicant has applied for damages, compensation, assistance or payments of any kind under any other schemes (such as the Transport Accident Commission or WorkCover), and details of any relevant insurance cover.

Time in which application is to be made

An application for financial assistance must be made within 2 years after the act of violence occurred or, in the case of an application by a related victim or a person who has incurred funeral expenses, within 2 years of the death of the primary victim. The Tribunal may allow an application for financial assistance to be made outside these time limits in some circumstances.

Where applications are to be lodged

An application to the Tribunal must be lodged with or posted to a registrar of the Tribunal at the venue of the Tribunal that is closest to the applicant's place



Tribunal's application form.

of residence, or if there is more than one applicant in relation to an act of violence and they are not close family members, at the venue of the Tribunal that is closest to the act of violence. An application to the Tribunal must be lodged with or posted to the registrar of Tribunal at Melbourne if the applicant resides outside Victoria, is a related victim, or is a primary or secondary victim and is aware of the existence of a related victim in relation to the act of violence.

All venues of the Magistrates' Court of Victoria are venues of the Tribunal. Contact details for venues of the Tribunal are provided at the end of this report.

How applications are determined

The Tribunal is intended to provide a sympathetic and compassionate forum for applicants to relate their experience as victims of violent crime, recognising that a hearing often provides an avenue for victims to receive open acknowledgment and validation that they have been victimised. The Tribunal may determine an application without a hearing if the applicant has consented to this, or if the Tribunal is considering an application for an interim award of financial assistance.

Despite a request for an application to be determined without a hearing, the Tribunal may decide to conduct a hearing of an application. Tribunal hearings may be held in private and in an informal manner.

The Tribunal will take into account police reports relating to the act of violence, and medical and/or psychological reports relating to the injury arising as a result of the act of violence in determining an application for assistance.

Who may receive financial assistance

The Tribunal may provide financial assistance to primary victims, secondary victims, related victims of a deceased primary victim, and to people who

are not related victims of a deceased primary victim but who have incurred funeral expenses as a direct result of the act of violence that resulted in the death of the primary victim.

Primary victims

A primary victim of an act of violence is a person who is injured or who dies as a direct result of an act of violence committed against him or her, or who was injured or dies as a result of assisting in the arrest of a person they believe to have committed an act of violence, trying to prevent the act of violence occurring or to aid or rescue a victim of an act of violence.

The Tribunal may award a primary victim financial assistance of up to \$60,000, and in addition, up to \$7,500 for a lump sum payment of special financial assistance for primary victims who have suffered a significant adverse effect as a direct result of an act of violence.¹ The amount awarded may be for reasonable counselling services, medical expenses, loss of earnings, and loss of or damage to clothing worn at the time of the commission of the act of violence. In exceptional circumstances, an award may be made (within the \$60,000 limit) for other



Tribunal Member Gibb and Bianca Renouf, Registrar of the Tribunal at Bendigo, discussing an application for financial assistance.

¹ The amount of special financial assistance that may be awarded to primary victims increased to \$10,000 from 1 July 2007 for acts of violence committed on or after 1 July 2007.

reasonable expenses that will assist in the victim's recovery. For example, the Tribunal may be satisfied that an applicant who was assaulted will be assisted in their recovery through an award of financial assistance for the installation of a home security system.

Secondary victims

A secondary victim of an act of violence is a person who was present at the scene of an act of violence and who is injured as a direct result of witnessing that act. A person is also a secondary victim if they are injured as a direct result of becoming aware of an act of violence committed against a primary victim under the age of 18 years who is their child, or for whom they are the guardian.

The Tribunal may award a secondary victim financial assistance of up to \$50,000 for reasonable counselling services and medical expenses as a direct result of the act of violence. In exceptional circumstances, an award may be made (within the \$50,000 limit) for an amount of up to \$20,000 for loss of earnings, and some secondary victims may be entitled to other reasonable expenses that will assist in their recovery from the act of violence.

Related victims

A related victim of an act of violence is a person who, at the time of the occurrence of the act of violence was a close family member of, dependent of, or a person who had an intimate personal relationship with a deceased primary victim.

The total maximum cumulative amount of financial assistance that may be awarded by the Tribunal to all the related victims of any one primary victim is \$100,000. Any one related victim may be awarded financial assistance of up to \$50,000 for expenses directly resulting from the act of violence, including counselling, medical and funeral expenses. The Tribunal may also award related victims assistance for distress experienced as a result of the death of the primary victim. A dependent of a deceased primary victim may receive an award representative

of their loss of financial support. In exceptional circumstances, an award may be made for other reasonable expenses that will assist in a related victim's recovery.

Financial assistance for funeral expenses

A person who has incurred funeral expenses as a direct result of the death of a primary victim of an act of violence, and who is not a related victim of the deceased primary victim, may be awarded financial assistance for reasonable funeral expenses.

Definitions

The Tribunal may only award financial assistance to people who are victims of an act of violence as defined by *the Victims of Crime Assistance Act 1996*. The Act defines *act of violence* as a criminal act or series of related criminal acts that occurred in Victoria, and directly resulted in injury or death to one or more people.

Criminal act means an act or omission constituting a relevant offence, or that would constitute a relevant offence if the person had not been incapable of being criminally responsible for it on account of age, mental impairment or other legal incapacity preventing him or her from having a required fault element, or the existence of any other lawful defence.

Injury means any of, or a combination of: actual physical bodily harm; mental illness or disorder, or an exacerbation of a mental illness or disorder; or pregnancy.

When Tribunal may award financial assistance

The Tribunal may award financial assistance to an applicant if satisfied on the balance of probabilities that an act of violence has occurred; that the applicant is a primary, secondary or related victim of that act of violence, or a person who has incurred

Tribunal Role, Process and Assistance Awarded

funeral expenses as a direct result of the death of the primary victim; and that the applicant is eligible to receive the assistance. The Tribunal may award financial assistance even though no person has been charged with, found guilty of or convicted of an offence arising from the act of violence committed.

Outcome of applications

An application for financial assistance is finalised by the application being granted (that is, a final award is made), refused, struck out or withdrawn. Where an application is not granted, the application is more often withdrawn by the applicant or struck out by the Tribunal rather than refused by the Tribunal. In circumstances where an application has been struck out, a victim may apply to the Tribunal to have the application re-instated.

In the year ending 30 June 2007:

- 4,562 applications for financial assistance were finalised, compared to 4,188 in the previous year (increase of 9%).²
- 3,134 awards of financial assistance were made, compared to 2,809 in the previous year (increase of 12%). An award was made in 69% of finalised applications, which is consistent with the previous year (67%).
- 2,451 awards of financial assistance were made to primary victims, compared to 2,332 in the previous year (increase of 5%). As in previous years, the majority of awards were made to primary victims (78%, compared to 83% in the previous year).
- 261 awards of financial assistance were made to secondary victims, compared to 194 in the previous year (increase of 35%). Secondary victims represented 8% of all awarded victims, compared to 7% in the previous year.
- 378 awards of financial assistance were made to related victims, compared to 247 in 2005/06 (increase of 53%), and 440 in 2004/05. Related victims represented 12% of all awarded victims, compared to 9% in 2005/06 and 14% in 2004/05.
- 4 awards of financial assistance for funeral expenses were made to a person who was not a related victim of the deceased primary victim.
- A total of \$23,437,895 in financial assistance was awarded for expenses incurred, costs, and lump sum payments for special financial assistance and distress, compared to \$18,881,924 in the previous year (increase of 24%).³
- The average amount of financial assistance awarded for expenses incurred, costs and lump sum payments for special financial assistance and distress was \$7,479, compared to \$6,722 in the previous year (increase of 11%).
- As in previous years, just over half of the financial assistance awarded related to special financial assistance (29%) and distress (25%).
- 66% of the awards of financial assistance made were for \$7,500 or less, compared to 71% in the previous year.
- 53% of awarded applicants were female, compared to 50% in the previous year.
- The act of violence in 51% of applications where an award was made was an assault offence (compared to 54% in the previous year), followed by sex (non-rape) offences (17% compared to 15% in the previous year), and homicide offences (14% compared to 11% in the previous year).

² There may be multiple disposal orders made in relation to one application for financial assistance. For example, an application may be struck out due to an applicant not filing documents within required timeframes, and subsequently reinstated upon application. The Tribunal reports 'number of disposal orders made' for the purposes of output reporting in Budget Paper 3, which is a different measure to the 'number of applications disposed' which is presented in this report.

³ These amounts represent assistance awarded for expenses actually incurred, costs associated with the application, loss of earnings, funeral expenses, distress and special financial assistance, but exclude assistance awarded by way of an interim award, on variation, on review or authorised future expenses.

Limits on financial assistance that may be awarded

The financial assistance that may be awarded by the Tribunal is subject to a number of limitations set by the *Victims of Crime Assistance Act 1996*. The factors that the Tribunal must have regard to when determining the amount of financial assistance to award to a victim includes whether the criminal act was reported to police within a reasonable time; the assistance provided by the victim to police to investigate or prosecute the alleged offence; the conduct and attitude of the victim prior to, during and after the act of violence; the character of the victim, including past criminal activity; whether the offender will benefit from the award; any damages that the victim has recovered from the offender, or any compensation, assistance or payment that the applicant has received or is entitled to receive from agencies such as WorkCover, the Transport Accident Commission and insurance schemes.

Assistance awarded for expenses incurred

In the year ending 30 June 2007, upon final determination of applications for financial assistance:

- \$7,694,697 in financial assistance was awarded for expenses incurred as a direct result of the act of violence (this excludes costs associated with making an application for financial assistance), compared to \$6,243,812 in the previous year (increase of 23%).⁴
- The average amount of financial assistance awarded for expenses incurred was \$2,455, compared to \$2,223 in the previous year (increase of 10%).
- Financial assistance awarded for expenses incurred represented 33% of the total amount of financial assistance awarded for expenses, costs and lump sum payments of special financial assistance and distress, which is consistent with the previous year (33%).

Special financial assistance

Special financial assistance provides an opportunity for the Tribunal to make a payment to a victim on behalf of the community in recognition of the victim having suffered harm as a direct result of an act of violence.

Where a primary victim has suffered a significant adverse effect as a result of the crime being committed against them, the Tribunal may award special financial assistance, which is over and above the limit of \$60,000 that may be awarded by the Tribunal for medical expenses, loss of income and other expenses incurred by the primary victim as a direct result of the crime. *Significant adverse effect* is defined as including any grief, distress, trauma or injury experienced or suffered by the victim as a direct result of the act of violence.

The maximum amount of special financial assistance that may be awarded by the Tribunal is determined by the categorisation of the act of violence (categories A to D), and the particular circumstances of the victim or the injury suffered. Category A includes serious sexual offences, attempted murder and acts that cause very serious physical injury; category B includes indecent assault and armed robbery; category C includes offences involving threats of death and conduct endangering life and other serious offences committed against the elderly, the very young or the impaired; and category D includes offences involving a threat of injury, assault and attempted assault.

The minimum and maximum amounts that may be awarded in relation to each category are set by legislation. Up to 30 June 2007, the maximum amount of special financial assistance that could be awarded to a primary victim was \$7,500. *The Victims of Crime Assistance Act 1996* was amended in 2007 to increase the amount of special financial assistance that may be awarded by 33% for category A offences, and by 30% for category B to D offences, for acts of violence committed on or after 1 July 2007.

⁴ This amount excludes amounts awarded for special financial assistance, compensation for pain and suffering, assistance awarded for distress, and costs (legal and non-legal) associated with the application.

Tribunal Role, Process and Assistance Awarded

In the year ending 30 June 2007, upon final determination of applications for financial assistance:

- \$6,785,505 in special financial assistance was awarded to primary victims, compared to \$5,955,000 in the previous year (increase of 14%).
- The average amount of special financial assistance awarded to primary victims was \$2,768, compared to \$2,544 in the previous year (increase of 9%).
- Special financial assistance comprised 29% of the total amount of financial assistance awarded, compared to 32% in the previous year.
- The Tribunal awarded the highest annual amount of special financial assistance that has been awarded since its availability from 1 July 2000.

Distress

The amount of financial assistance awarded to a related victim may include payment to acknowledge distress caused by the death of the primary victim, or in the case of a child who is too young to appreciate the loss, the distress that is likely to occur in the future.

In the year ending 30 June 2007, upon final determination of applications for financial assistance:

- \$5,927,844 was awarded to related victims for distress, compared to \$4,205,720 in 2005/06 (increase of 41%), and \$8,011,813 in 2004/05.
- The average amount of financial assistance awarded to related victims for distress was \$15,682, compared to \$17,027 in 2005/06 (decrease of 8%), and \$18,209 in 2004/05.
- Awards for distress comprised 25% of the total amount of financial assistance awarded, compared to 22% in 2005/06, and 34% in 2004/05.

Legal costs

A legal practitioner acting for an applicant cannot charge the applicant costs in respect of proceedings before the Tribunal, unless the Tribunal approves those costs. The legal costs associated with making an application are usually awarded by the Tribunal, and paid directly to the legal practitioner by the Tribunal. Guidelines have been issued by the Chief Magistrate to aid Tribunal Members in determining the amount of legal costs that will be awarded by the Tribunal in relation to preparation and appearance fees. The Guidelines are published on the Tribunal's website at www.vocat.vic.gov.au.

In the year ending 30 June 2007, upon final determination of applications for financial assistance:

- The Tribunal awarded \$2,834,519 in legal costs (including disbursements) upon determination of an application, compared to \$2,284,721 in the previous year (increase of 24%).
- The average amount of legal costs awarded on determination of an application was \$904, compared to \$813 in the previous year (increase of 11%).⁵
- Legal costs comprised 12% of the total amount of financial assistance awarded, which is consistent with the previous year (12%).

Authorised future expenses⁶

The Tribunal may make an award for expenses that have not yet been incurred, but which are reasonably likely to be incurred in the future. Amounts of financial assistance awarded for expenses not yet incurred (referred to as *authorised future expenses*) will only be paid by the Tribunal on the submission of an invoice or receipt relating to

⁵ Average legal costs awarded has been calculated based upon the number of awards made. Note that legal costs may be awarded even where an application for financial assistance is refused.

⁶ This is the first annual report of the Tribunal in which information relating to authorised future expenses has been reported.

the expense. Examples of such expenses include ongoing counselling, surgery that will be required in the future, or the installation of a home security system to assist the victim in their recovery from the act of violence.

As an authorised future expense may not be incurred for some time, and is only paid by the Tribunal upon an invoice or receipt being provided, the expense may not be paid in the reporting period in which it was authorised. In some circumstances, the victim may not fully avail themselves of the service that has been authorised. For example, while 10 future counselling sessions may have been authorised by the Tribunal, a victim may find that 5 sessions are adequate. In this circumstance, the Tribunal would only pay for 5 counselling sessions.

In the year ending 30 June 2007, upon final determination of applications for financial assistance:

- \$3,271,404 in financial assistance for expenses not yet incurred was authorised, compared to \$2,280,560 in the previous year (increase of 43%).
- 41% of the future expense authorised related to counselling services, as in the previous year (41%).

Awards held in trust

Awards of financial assistance made for persons under a disability are paid to the Senior Master of the Supreme Court of Victoria (Funds in Court), to be held in trust on behalf of those persons. A person under disability is defined as a minor, or a person who is incapable due to injury, disease, senility, illness or physical or mental infirmity of managing his or her affairs in relation to the proceeding.

In the year ending 30 June 2007, 397 awards of financial assistance were ordered by the Tribunal to be held in trust, representing 13% of the total number of awards made, which is consistent with previous years.

Interim awards of financial assistance

Pending the final determination of an application for assistance, the Tribunal may make an interim award of financial assistance for urgent expenses directly arising from the act of violence. Registrars may determine applications for interim awards of assistance for expenses not exceeding \$1,000. Tribunal members may award interim financial assistance for an amount not exceeding the limits payable to a primary, secondary or related victim.

In the year ending 30 June 2007:

- 1,636 applications for an interim award of financial assistance were finalised, compared to 1,719 in the previous year (decrease of 5%).
- 97% of applications for an interim award of financial assistance were granted, compared to 95% in the previous year.
- 19% of interim awards of financial assistance were made by registrars, compared to 26% in the previous year.
- \$1,152,661 in interim financial assistance was awarded for expenses incurred, compared to \$1,180,197 in the previous year (decrease of 2%).
- The average amount of interim financial assistance awarded for expenses incurred was \$730, compared to \$720 in the previous year (increase of 1%).
- The majority (63%) of the interim financial assistance awarded for expenses incurred related to counselling and funeral expenses, as in the previous year (69%).
- \$1,316,910 in interim financial assistance for expenses not yet incurred was authorised, compared to \$1,242,011 in the previous year (increase of 6%). The majority (77%) of future expenses authorised by way of an interim award related to counselling services as in the previous year (84%).

Variation of awards

Upon application, the Tribunal may vary an award of financial assistance made within the previous 6 years, or up to the applicant attaining the age of 24 years if

Tribunal Role, Process and Assistance Awarded

they were under the age of 18 years at the time the award was made. Awards are usually varied because the victim requires further financial assistance than originally awarded to assist them to recover from the act of violence. For example, a victim may have been awarded 10 counselling sessions, and it is identified at the conclusion of those counselling sessions that further sessions are required to assist the victim to recover from the act of violence. The overall maximum amount of financial assistance that may be awarded to a primary, secondary or related victim cannot be exceeded upon a Tribunal Member varying the original award.

In the year ending 30 June 2007:

- 1,711 applications to vary an award were finalised, compared to 2,097 in the previous year (decrease of 18%).
- 97% of applications to vary an award were granted, compared to 98% in the previous year.
- \$2,366,377 in financial assistance was awarded on variation, compared to \$2,410,847 in the previous year (decrease of 2%).
- The average amount of financial assistance awarded on variation was \$1,421, compared to \$1,177 in the previous year (increase of 21%).
- Almost half (46%) of the financial assistance awarded on variation related to counselling and medical expenses, as in previous years.
- \$912,974 in financial assistance for expenses not yet incurred was authorised on variation, which is consistent with the amount authorised in the previous year (\$913,371). Counselling services comprised 39% of the future expenses authorised, followed by medical expenses (25%).

Applications for review

Applicants who are dissatisfied with a decision of the Tribunal may request that the decision be reviewed by the Victorian Civil and Administrative Tribunal (VCAT). Upon review, VCAT may confirm or vary the original order, set aside the original order and make a new order, or set aside the original order and return

the application to the original decision-maker to be reconsidered. The hearing at VCAT is a new hearing of the application for financial assistance.

In the year ending 30 June 2007:

- 30 applications for review were lodged at VCAT, compared to 32 in the previous year (decrease of 6%).
- VCAT finalised 29 applications for review, compared to 22 in the previous year (increase of 32%).
- Just over half (55%) of all finalised applications for review did not proceed and were dismissed, withdrawn, struck out or abandoned, compared to 41% in the previous year.
- In 7% of finalised applications for review, the order of the Tribunal was affirmed, compared to 45% in the previous year.
- \$105,661 in financial assistance was awarded by VCAT upon review in relation to 9 applications, compared to \$51,345 in the previous year in relation to 3 applications. The average amount awarded on review was \$11,740, compared to \$17,115 in the previous year.
- \$5,310 in financial assistance for expenses not yet incurred was authorised on review, compared to \$12,820 in the previous year.

Case processing times

The time taken to finalise an application will vary between applications. In determining an application, the Tribunal is required by the *Victims of Crime Assistance Act 1996* and legal precedent to have regard to certain matters which impact on the time taken to finalise an application. Before finalising an application, a Tribunal member may determine that it is appropriate to await the outcome of a criminal investigation or trial, may request that further enquiries be made or that the alleged offender be notified of the application, or decide that they will wait for the injury to stabilise so that an accurate prognosis can be provided.

The trauma experienced by victims as a result of an act of violence can impact on their ability to respond to the requirements of the Tribunal in a timely way. It is not always in the best interests of the applicant, or in the interests of justice, to proceed quickly. The Tribunal has capacity, in appropriate circumstances, to finalise applications when the applicant confirms their readiness. The Tribunal is able to respond to an applicant's urgent needs by way of interim awards of financial assistance pending the final determination of an application.

Case processing time is measured as the time between an application being lodged and finalised.⁷ Of the applications finalised in the year ending 30 June 2007:

- 53% of applications were finalised within 9 months of lodgement, which is consistent with the previous year (54%).
- 68% of applications were finalised within 12 months of lodgement, which is consistent with the previous year (68%).

Pending caseload

Pending caseload refers to the number of cases waiting to be finalised at a given point in time. The period for which an application is pending is measured as the time between the date that an application was lodged and the report date.

On 30 June 2007:

- 4,585 applications for assistance were pending, compared to 4,370 on 30 June in the previous year (increase of 5%).
- 38% of applications had been pending for more than 9 months, which is consistent with the previous year (37%).
- 26% of applications had been pending for more than 12 months, which is consistent with the previous year (27%).

Family Violence Court Division

The Family Violence Court Division of the Magistrates' Court of Victoria at Ballarat and Heidelberg was established to increase the safety of people who have experienced family violence, increase access to the justice system, and increase accountability and encourage behaviour change in people who have used violence towards a family member. The Division has jurisdiction to hear and determine proceedings arising from or including allegations of family violence, including applications for an intervention order, criminal proceedings, some family law proceedings and applications for assistance under the *Victims of Crime Assistance Act 1996*.

The Division is constituted by a specially assigned magistrate, and is supported by a team of specialist registrars, applicant and defendant support workers, lawyers, police prosecutors, community based counselling service providers, and family violence outreach services. Of the applications for financial assistance lodged with the Tribunal at Ballarat and Heidelberg in the year ending 30 June 2007, 31% were within the jurisdiction of the Family Violence Court Division.



Tribunal staff at the launch of the Koori VOCAT List.

⁷ Where a finalised application has been re-instated after previously being struck out, the case processing time on that application will be measured from the date that the application for financial assistance was originally lodged to the date of the second disposal order.

Administration of Tribunal

Composition of Tribunal

The Tribunal consists of the Chief Magistrate of the Magistrates' Court of Victoria and all other persons who hold the office of magistrate under section 7 of the *Magistrates' Court Act 1989*, or acting magistrate under section 9 of that Act.

The Chief Magistrate is responsible for the arrangement of the business of the Tribunal and may give directions for the arrangement of the business of the Tribunal.

Tribunal staff

The Tribunal employs a Principal Registrar, registrars and administrative staff to support its operation. The Principal Registrar, eight registrars and two administrative officers staff the principal registry in Melbourne. The Tribunal funds a full-time registrar position at the following metropolitan and regional venues of the Magistrates' Court to support the operation of the Tribunal: Ballarat, Bendigo, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Latrobe Valley, Ringwood, Shepparton, and Sunshine. At all other venues of the Magistrates' Court of Victoria, the administration of the Tribunal is supported by registrars of the Magistrates' Court. All staff supporting the operation of the Tribunal are accountable through their respective managers to the Chief Executive Officer of the Magistrates' Court of Victoria.



Bianca Renouf, Registrar of the Tribunal at Bendigo.

Supervising Magistrate

A Supervising Magistrate for the Tribunal is appointed for a 3-year term by the Chief Magistrate. Magistrate Susan Wakeling commenced in this role in January 2005. The role of the Supervising Magistrate includes liaison between the registry and magistrates, encouraging consistent practices across regions, disseminating information about legislative and procedural changes within the Tribunal, consulting with magistrates and advising the Chief Magistrate on rules, practice directions and other issues relating to the Tribunal.



Magistrate Susan Wakeling, Supervising Magistrate for the Tribunal.

Coordinating Committee

The Tribunal's Coordinating Committee comprises magistrates, the Principal Registrar and the manager of the Melbourne registry, and is chaired by the Tribunal's Supervising Magistrate.

In the year under review, members of the committee were Supervising Magistrate Susan Wakeling, Deputy Chief Magistrate Dan Muling, Magistrates Felicity Broughton, Amanda Chambers, Cathy Lamble, Jane Patrick and Duncan Reynolds. Registrars were represented on the committee by Samantha Adrichem, Jan Dundon, Melissa Biram and Lisa Rees.

The role of the Committee is to provide leadership in the implementation of legislative change, monitor the operation of the Tribunal, and promote consistency in the application of legislation, processes and procedures. Issues considered by the committee may result in practice directions and guidelines being issued by the Chief Magistrate, enhancements to the Tribunal's case management system, modifications to administrative processes supporting the operation of the Tribunal, and community education initiatives.

Over the reporting period, issues considered by the Coordinating Committee included:

- Reviewing of the Victims of Crime Assistance (Procedure) Rules 1997 and development and implementation of the Victims of Crime Assistance (Procedure) Rules 2007.
- Implementing more effective procedures relating to the review of Tribunal decisions by the Victorian Civil and Administrative Tribunal (VCAT), including the protection of sensitive information provided to VCAT.
- Monitoring the efficiency of the Tribunal's response to applicants.
- The impact on the Tribunal of registry staffing levels.
- The entry of Tribunal orders into the Courtlink case management system.

- Procedures for the transfer and monitoring of applications for financial assistance within the jurisdiction of the Neighbourhood Justice Centre and the Family Violence Court Division of the Magistrates' Court.
- The launch and monitoring of the Koori VOCAT List.
- Participation in the Department of Justice Koori VOCAT Working Group.
- Strategies to address the availability of legal representation for applicants.
- Implications of the impact of Medicare rebates available from 1 November 2006 for psychological services received under a GP Mental Health Plan.
- Promoting the purposes of the *Victims of Crime Assistance Act 1996* by maintaining communications with organisations providing services to victims of crime such as the Victims Support Agency and the Victoria Police Victims Advisory Unit.
- Conducting information sessions for legal practitioners, psychologists and victim assistance and counselling services.
- Participation in the development and implementation of the *Victims' Charter Act 2006*.

Management of related victim applications

The Tribunal took a proactive approach over the reporting period to the management of multiple primary, secondary and related victim applications for financial assistance arising from a single incident. The approach taken to these applications is intended to provide coordinated, timely and consistent responses to victims and their legal representatives, and to facilitate integration of services in responding to victims of crime.

The Tribunal received over 50 applications for assistance arising from a major traffic incident in Mildura in early 2006. All files were individually managed by one registrar and Tribunal Member at Melbourne over the reporting period, with the Tribunal Member travelling to Mildura for directions hearings to be conducted. The registrar worked

Administration of Tribunal

closely with legal representatives from different firms to facilitate a coordinated approach to the filing of documents and the Tribunal's response to the applications.

In response to the Kerang rail/road incident in June 2006, the Principal Registrar initiated meetings with agencies involved in providing services to victims and their families (including the Road Trauma Support Team, Victoria Police Victims Advisory Unit, the Victims Support Agency, Victims Assistance and Counselling Program, and Coroner's Court) to advise them of the assistance available through the Tribunal and how such assistance might be accessed. Legal practitioners throughout the Loddon Mallee region of Victoria were contacted directly to discuss the way in which applications arising from the incident would be managed by the Tribunal.

Initiatives to improve access for Koori victims of crime

The Koori VOCAT List commenced on 1 July 2006 as a two-year pilot, and was launched by the Chief Magistrate on 10 August 2006. Applications for financial assistance where the applicant identifies as an Aboriginal and/or Torres Strait Islander are transferred to Melbourne for management by one registrar and a small number of Tribunal Members. It is intended that the List will promote consistency in responding to applications and facilitate the identification of common features of applications and the development of appropriate procedural innovations. The Tribunal is flexible in relation to where hearings will be conducted. At 30 June 2007, there were 125 applications within the Koori VOCAT List.

The Supervising Magistrate and Principal Registrar participated in the VOCAT Koori Working Group chaired by Andrew Jackomos, Director of the Indigenous Issues Unit of the Department of Justice. The working group discussed issues regarding Aboriginal victims of crime, and opportunities to increase access to the Tribunal, including the Koori VOCAT List and development of a brochure for Aboriginal victims of crime.

Changes were made to the application form and Tribunal's case management system during the reporting period to support data collection regarding applications for assistance made by Aboriginal and/or Torres Strait Islander victims of crime.

The Supervising Magistrate and registry staff contributed to the development of the Aboriginal Family Violence Prevention and Legal Service's brochure for Koori victims of crime, which includes information regarding the Tribunal. The guide was developed by the legal service in partnership with the Department of Justice, Victorian Aboriginal Legal Service, Victims Support Agency and the Victims of Crime Assistance Tribunal. The brochure is intended to assist Aboriginal victims of crime to become aware of the financial assistance available through the Tribunal and how to make an application for the assistance.



From left to right: Troy Austin (Executive Officer, North West Regional Aboriginal Justice Agreement Committee), Antoinette Braybrook (Chief Executive Officer, Aboriginal Family Violence Prevention and Legal Service), Jenny Mikakos MP (Member for Northern Metropolitan), Chief Magistrate Ian Gray, Nellie Flagg (Indigenous Victims of Crime Support Officer, Victims Support Agency) and Magistrate Susan Wakeling at the launch of the Koori VOCAT List.

Liaison with victim support agencies

The Supervising Magistrate, Principal Registrar and registry staff continued to meet regularly throughout the year with representatives of the Victims Support Agency.

The Principal Registrar participated in a working group chaired by the Victims Support Agency that was established to monitor the effectiveness of the implementation of the Victims Charter.

The Principal Registrar participated in the evaluation of the Victims Assistance and Counselling Program and strategic planning activities coordinated by the Victims Support Agency in relation to the program.

The manager of the Melbourne registry provided training to staff of the Victims Assistance and Counselling Program regarding Tribunal processes and procedures at a professional development event organised by the Victims Support Agency.

Registry staff across Victoria continued to meet with representatives of the Victims Assistance and Counselling Program within their local area to discuss Tribunal and agency processes, and to improve linkages between the Tribunal and agencies in supporting victims of crime.



From left to right: Bev Sutherland, Lorraine Turner and Bronwyn Rouse of the Victims Assistance and Counselling Program (Bendigo Community Health) with Bianca Renouf, Registrar of the Tribunal at Bendigo.

Training for registrars

Registrars supporting the operation of the Tribunal across Victoria attended a registrar conference in November 2006.

Registrars who were new to the jurisdiction of the Tribunal continued to attend for one-on-one training regarding processes and procedures at the principal registry in Melbourne.

Lectures regarding Tribunal processes and procedures were provided to trainee court registrars undertaking the Certificate IV in Court Services at Victoria University.

Online information

In the year under review the Tribunal received 27,432 visits to its website (www.vocat.vic.gov.au) which is an increase of 41% in comparison to the previous year (19,400).

Work was undertaken in 2007 in relation to the redevelopment of the Tribunal's website, which is expected to go live in September 2007.

Technology

The Principal Registrar and registry staff participated in numerous workshops facilitated by the Integrated Case Management System project team regarding the development of a new case management system across Victorian Courts and Tribunals.

Minor changes were made to the Tribunal's existing case management system over the reporting period to improve processing of applications and awards by registry staff.

The Tribunal utilised video conference technology throughout the reporting period for the purposes of directions hearings and hearings.

Complaint process

The Principal Registrar contributed to the redevelopment of a complaint process for the Magistrates' Court of Victoria, which includes the Tribunal. The updated complaint procedure is available from the Tribunal's website.

Costs of administering the Tribunal

The costs of administering the Tribunal in the year ending 30 June 2007 totalled \$1,790,813, compared to \$1,690,897 in the previous year (increase of 6%).

The Tribunal is constituted by Tribunal Members who are magistrates of the Magistrates' Court of Victoria, operates within Magistrates' Court buildings, and is administered by employees of the Magistrates' Court. The increase in operating expenditure in the reporting period in comparison to the previous year is attributed to increased expenditure in salaries of registry staff as a result of annual performance pay increases, and the expenditure associated with building operations, maintenance, information technology and training for the Magistrates' Court of Victoria being apportioned across all jurisdictions and programs operating within the Court and its facilities.

Financial assistance paid by Tribunal

In the year under review, \$27,113,398 in financial assistance was paid by the Tribunal to victims of crime and service providers, compared to \$25,872,563 in the previous year (increase of 5%). This amount represents actual payments made in the reporting period, and does not include awards made and expenses authorised in the reporting period that had not been paid as at 30 June 2007.

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Note: Individual figures reported in tables for amounts of financial assistance awarded have been rounded to the nearest dollar. Individual percentages reported in tables may not add to exactly 100% due to rounding.

Table 1: Applications for financial assistance lodged, finalised and pending, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
<i>Caseload</i>			
Number applications lodged	3,772	4,470	4,508
Number applications finalised	5,160	4,188	4,562
Number applications pending on 30 June	3,946	4,370	4,585
<i>Case processing times</i>			
Proportion of applications finalised within 9 months of lodgement	43%	54%	53%
Proportion of applications finalised within 12 months of lodgement	56%	68%	68%
<i>Age of pending caseload</i>			
Proportion of applications pending for 9 months or more on 30 June	40%	37%	38%
Proportion of applications pending for 12 months or more on 30 June	30%	27%	26%

Table 2: Applications for financial assistance finalised by outcome, 2004/05 – 2006/07

<i>Outcome</i>	2004/05		2005/06		2006/07	
Award made	3,107	60.2%	2,809	67.1%	3,134	68.7%
Application refused	93	1.8%	91	2.2%	68	1.5%
Application struck out/withdrawn	1,752	34.0%	1,111	26.5%	1,139	25.0%
Other disposal	208	4.0%	177	4.2%	221	4.8%
<i>Total</i>	<i>5,160</i>	<i>100%</i>	<i>4,188</i>	<i>100%</i>	<i>4,562</i>	<i>100%</i>

Table 3: Number of awards of financial assistance made by award category, 2004/05 – 2006/07

<i>Award Category</i>	2004/05		2005/06		2006/07	
Primary victim award	2,388	76.9%	2,332	83.0%	2,451	78.2%
Secondary victim award	200	6.4%	194	6.9%	261	8.3%
Related victim award	440	14.2%	247	8.8%	378	12.1%
Award for funeral expenses	2	0.1%	1	-	4	0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	25	0.8%	8	0.2%	9	0.3%
Other ⁸	52	1.7%	27	1.0%	31	1.0%
<i>Total</i>	<i>3,107</i>	<i>100%</i>	<i>2,809</i>	<i>100%</i>	<i>3,134</i>	<i>100%</i>

⁸ The category of 'other' includes finalised applications that were not refused, but where an award of financial assistance was not made.

Table 4: Total amount of financial assistance awarded by award type (for expenses incurred and lump sum payments to victims), 2004/05 – 2006/07

<i>Award Type</i>	<i>2004/05</i>		<i>2005/06</i>		<i>2006/07</i>	
Interim award	\$1,577,547	5.8%	\$1,180,197	5.2%	\$1,152,661	4.3%
Final award	\$23,242,014	84.8%	\$18,881,924	83.8%	\$23,437,895	86.6%
Award on variation	\$2,552,539	9.3%	\$2,410,847	10.7%	\$2,366,377	8.7%
Award on review	\$27,960	0.1%	\$51,345	0.2%	\$105,661	0.4%
<i>Total</i>	<i>\$27,400,060</i>	<i>100%</i>	<i>\$22,524,312</i>	<i>100%</i>	<i>\$27,062,594</i>	<i>100%</i>

Table 5: Total amount of financial assistance awarded by type of assistance (for expenses incurred and lump sum payments to victims), 2006/07

<i>Assistance Type</i>	<i>Interim Award</i>	<i>Final Award</i>	<i>Awarded on Variation</i>	<i>Awarded on Review</i>	<i>Total</i>
Special financial assistance	\$18,500	\$6,785,505	\$40,500	\$20,000	\$6,864,505
Pain and suffering	-	\$134,000	-	-	\$134,000
Distress	\$55,000	\$5,927,844	-	\$64,746	\$6,047,590
Funeral expenses	\$279,809	\$295,631	\$12,890	-	\$588,330
Loss of earnings	\$12,357	\$2,616,958	\$258,672	\$10,000	\$2,897,987
Dependency	-	\$39,492	-	-	\$39,492
Medical expenses	\$140,618	\$1,024,247	\$574,123	\$7,125	\$1,746,113
Counselling expenses (reports and sessions)	\$448,038	\$1,167,125	\$523,886	\$484	\$2,139,533
Loss / damage to clothing	\$847	\$118,937	\$1,489	-	\$121,273
Other expenses	\$197,491	\$2,432,306	\$877,346	\$806	\$3,507,949
Legal costs (inc. disbursements)	-	\$2,834,519	-	-	\$2,834,519
Costs only (non-legal)	-	\$61,331	\$77,472	\$2,500	\$141,303
<i>Total</i>	<i>\$1,152,661</i>	<i>\$23,437,895</i>	<i>\$2,366,377</i>	<i>\$105,661</i>	<i>\$27,062,594</i>

Table 6: Size of awards of financial assistance made, 2006/07

<i>Size of Award</i>	<i>Distribution</i>	<i>Cumulative Distribution</i>
Under \$1,000	13.0%	13.0%
\$1,001 - \$3,000	28.6%	41.6%
\$3,001 - \$5,000	13.8%	55.3%
\$5,001 - \$7,500	11.1%	66.4%
\$7,501 - \$10,000	11.9%	78.3%
\$10,001 - \$20,000	14.1%	92.3%
\$20,001 - \$30,000	4.9%	97.3%
\$30,001 - \$40,000	1.9%	99.2%
\$40,001 - \$67,500	0.8%	100.0%
<i>Total</i>	<i>100%</i>	

Table 7: Average amount of special financial assistance awarded to primary victims on determination of application, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
Special financial assistance awarded to primary victims	\$5,967,975	\$5,955,000	\$6,785,505
Number awards made to primary victims	2,388	2,332	2,451
Average amount of special financial assistance awarded	\$2,499	\$2,554	\$2,768

Table 8: Average amount of financial assistance awarded to related victims for distress on determination of application, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
Financial assistance awarded to related victims for distress	\$8,011,813	\$4,205,720	\$5,927,844
Number awards made to related victims	440	247	378
Average amount of financial assistance awarded for distress	\$18,209	\$17,027	\$15,682

Table 9: Number of interim awards of financial assistance made, and average amount of interim financial assistance awarded, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
Interim financial assistance awarded	\$1,577,547	\$1,180,197	\$1,152,661
Number interim awards of financial assistance made	2,682	1,640	1,580
Average amount of interim financial assistance awarded	\$588	\$720	\$730

Table 10: Number of awards of financial assistance varied, and average amount of financial assistance awarded on variation, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
Financial assistance awarded on variation	\$2,552,539	\$2,410,847	\$2,366,377
Number awards varied	2,815	2,049	1,665
Average amount of financial assistance awarded on variation	\$907	\$1,177	\$1,421

Table 11: Total amount of future financial assistance authorised by award type (for expenses not yet incurred), 2004/05 – 2006/07

Award Type	2004/05		2005/06		2006/07	
Interim award	\$908,386	24.0%	\$1,242,011	27.9%	\$1,316,910	23.9%
Final award	\$2,099,254	55.5%	\$2,280,560	51.3%	\$3,271,404	59.4%
Award on variation	\$775,455	20.5%	\$913,371	20.5%	\$912,974	16.6%
Award on review	\$1,500	-	\$12,820	0.3%	\$5,310	0.1%
<i>Total</i>	<i>\$3,784,595</i>	<i>100%</i>	<i>\$4,448,762</i>	<i>100%</i>	<i>\$5,506,598</i>	<i>100%</i>

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Table 12: Total amount of future financial assistance authorised by type of assistance (for expenses not yet incurred), 2006/07

<i>Assistance Type</i>	<i>Interim Award</i>	<i>Final Award</i>	<i>Awarded on Variation</i>	<i>Awarded on Review</i>	<i>Total</i>
Counselling expenses	\$1,014,442	\$1,354,102	\$356,478	\$522	\$2,725,544
Medical expenses	\$147,427	\$384,470	\$230,098	-	\$761,995
Loss / damage to clothing	\$495	\$4,724	-	-	\$5,219
Other expenses	\$147,046	\$1,528,108	\$321,291	\$4,788	\$2,001,233
Funeral expenses	\$7,500	-	\$5,107	-	\$12,607
<i>Total</i>	<i>\$1,316,910</i>	<i>\$3,271,404</i>	<i>\$912,974</i>	<i>\$5,310</i>	<i>\$5,506,598</i>

Table 13: Tribunal region where application determined for awarded applicants, 2006/07

<i>Region</i>	<i>Tribunal venues within region</i>	<i>Distribution</i>
Ballarat	Ararat, Ballarat, Hamilton, Horsham, Portland, St Arnaud, Stawell, Warrnambool	6.3%
Bendigo	Bendigo, Echuca, Kerang, Maryborough, Mildura, Swan Hill	7.1%
Broadmeadows	Broadmeadows, Castlemaine, Kyneton	8.2%
Dandenong	Dandenong	7.3%
Frankston	Dromana, Frankston	7.3%
Geelong	Colac, Geelong	4.1%
Heidelberg	Heidelberg, Moonee Ponds, Preston	8.5%
Latrobe Valley	Bairnsdale, Korumburra, Sale, Latrobe Valley, Moe, Wonthaggi	4.2%
Melbourne	Melbourne, Neighbourhood Justice Centre (Collingwood)	23.1%
Ringwood	Ringwood	8.6%
Shepparton	Benalla, Cobram, Seymour, Shepparton, Wangaratta, Wodonga	4.3%
Sunshine	Bacchus Marsh, Sunshine, Werribee	11.0%
<i>Total</i>		<i>100%</i>

Table 14: Age and gender of awarded applicants, 2006/07

<i>Age</i>	<i>Age distribution by gender</i>			<i>Gender distribution by age category</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
0 - 18 years	24%	28%	26%	43%	57%	100%
19 - 25 years	18%	12%	15%	58%	42%	100%
26 - 35 years	20%	20%	20%	48%	52%	100%
36 - 60 years	33%	36%	34%	45%	55%	100%
61 years +	5%	4%	5%	49%	51%	100%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>47%</i>	<i>53%</i>	<i>100%</i>

Table 15: Act of violence for awarded applicants by offence category and gender of victim, 2006/07⁹

Offence Category	Offence category distribution by victim gender			Victim gender distribution by age category		
	Male	Female	Total	Male	Female	Total
Homicide	13.9%	14.0%	14.0%	47%	53%	100%
Rape	1.3%	8.0%	4.8%	13%	87%	100%
Sex (non-Rape)	8.8%	24.3%	17.0%	25%	75%	100%
Robbery	5.7%	6.5%	6.1%	44%	56%	100%
Assault	64.5%	39.5%	51.3%	59%	41%	100%
Abduction / Kidnap	-	0.3%	0.2%	-	100%	100%
Criminal damage by fire	0.1%	0.2%	0.2%	20%	80%	100%
Burglary	4.1%	3.8%	4.0%	49%	51%	100%
Harassment	0.3%	1.5%	0.9%	14%	86%	100%
Other	1.3%	1.9%	1.6%	39%	61%	100%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>47%</i>	<i>53%</i>	<i>100%</i>

Table 16: Applications for review finalised at the Victorian Civil and Administrative Tribunal by outcome, 2004/05 – 2006/07

Outcome	2004/05		2005/06		2006/07	
Award made on review	3	10.7%	1	4.5%	4	13.8%
Award / order varied on review	3	10.7%	2	9.1%	5	17.2%
Award affirmed on review	4	14.3%	10	45.5%	2	6.9%
Application for assistance remitted to original decision-maker for determination	-	-	-	-	2	6.9%
Application for review dismissed	2	7.1%	2	9.1%	2	6.9%
Application for review struck out / withdrawn / abandoned	16	57.1%	7	31.8%	14	48.3%
<i>Total</i>	<i>28</i>	<i>100%</i>	<i>22</i>	<i>100%</i>	<i>29</i>	<i>100%</i>

Table 17: Amount of financial assistance awarded on review, 2004/05 – 2006/07

	2004/05	2005/06	2006/07
Financial assistance awarded on review	\$27,960	\$51,345	\$105,661
Number awards made or varied on review	6	3	9
Average amount of financial assistance awarded on review	\$4,660	\$17,115	\$11,740

⁹ The acts of violence for awarded applicants have been grouped according to the 27 broad offence categories used by Victoria Police in reporting crime statistics.

Financial Statement

Financial Statement for year ending 30 June 2007 ¹⁰

Outcome	Note	2006/07	2005/06
SALARIES AND ASSOCIATED EXPENDITURE	1		
Salaries, Overtime and Annual Leave		\$1,017,686	\$1,025,240
Superannuation		\$88,195	\$89,154
Payroll Taxation		\$56,569	\$58,027
Provision for Long Service Leave		\$80,488	\$32,662
Work Cover Levy		\$17,014	\$17,254
<i>Total Salaries and Associated Expenditure</i>		\$1,259,952	\$1,222,337
OPERATING EXPENDITURE			
Travel and Personal Expenses		\$3,969	\$2,952
Printing, Stationery and Subscriptions		\$62,486	\$92,277
Postage and Communication		\$45,605	\$38,919
Contractors and Professional Services		\$146,690	\$158,893
Training and Development		\$10,360	\$1,864
Motor Vehicle Expenses		\$34,845	\$13,262
Operating Expenses		\$2,328	\$4,107
Witness Payments		\$759	\$795
Information Technology Costs		\$52,056	\$68,760
Rent and Property Services		\$98,693	\$57,301
Property Utilities		\$46,713	\$22,961
Repair and Maintenance		\$26,337	\$6,469
Finance Lease Interest (including Bank Charges)		\$20	-
<i>Total Operating Expenditure</i>		\$530,861	\$468,560
<i>Total Salaries and Operating Expenditure</i>		\$1,790,813	\$1,690,897
AWARDS OF FINANCIAL ASSISTANCE PAID			
Award payments	2	\$27,113,398	\$25,872,563
<i>Total Awards</i>		\$27,113,398	\$25,872,563

Notes to and forming part of the Financial Statement

Note 1

Special appropriations for the salaries and on-costs of Tribunal Members (magistrates) are reported in the annual report of the Magistrates' Court of Victoria.

Note 2

Award payments for the period are actual payments for expenses and lump sum payments made in the reporting period, and does not include awards made and expenses authorised in the reporting period that had not been paid as at 30 June 2007.

¹⁰

This financial statement is based upon financial data available as at 20 July 2007.

Tribunal Members

Directory of Tribunal Members at 30 June 2007

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Mr Peter Henry Lauritsen

Mr Daniel John Muling

Ms Jelena Popovic

Mr Paul Anthony Smith

Magistrates

Mr Henry Clive Alsop

Ms Donna Bakos

Mr Raffaele Barberio

Mr Thomas Arthur Dent
Barrett

Mr Edwin Charles Batt

Ms Luisa Rita Bazzani

Mr Maxwell Charles Speedie
Beck

Mr Isaac Joseph Beder

Mr Ross Frederick Betts

Ms Susan Adele Blashki

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne
Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Ms Felicity Anne Broughton

Mr Gerard Robert Bryant

Mr Andrew Thomas Capell

Mr James Maxwell Brooke
Cashmore

Ms Amanda Jane Chambers

Mr Brian Joseph Clifford

Mr Bernard Joseph Coburn

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Ms Barbara Ann Cotterell

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr John Philip Dugdale

Ms Caitlin Creed English

Mr David Kevin Fanning

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Roger Wilson Franich

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Mr Phillip Goldberg

Ms Jennifer Anne Benn
Goldsbrough

Ms Jennifer Margaret Grubissa

Mr Maurice Gurchich

Mr Harold Rupert Hallenstein AM

Mr Harley James Harber

Ms Margaret Gill Harding

Mr John William Hardy

Mr Thomas Kevin Hassard

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Ms Jacinta Mary Heffey

Mr Louis Joseph Hill

Mr Francis Ross Hodgins

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones

Mr Graeme Douglas Keil

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio La Rosa

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Kay Helen Macpherson

Mr Reg Marron

Ms Anne Jeanette Maughan

Mr Lance Ivan Martin

Mr Timothy John McDonald

Mr Ian Thomas McGrane

Mr Rowan George McIndoe

Mr Gregory Laurence McNamara

Mr Peter Harry Mealy

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr William John George O'Day

Mr Thomas Michael O'Dwyer

Ms Denise Mary O'Reilly

Ms Kim Michelle Willmott Parkinson

Ms Jane Marie Josephine Patrick

Mr Peter Thomas Power

Mr Steven Raleigh

Ms Carmen Maria-Francesca
Randazzo

Mr Peter Anthony Reardon

Mr Duncan Keith Reynolds

Ms Mary Kay Robertson

Mr Charles Schol Rozencajg

Mr Ronald Norman Saines

Mr Marc Anthony Sargent

Mr Michael Leslie Smith

Ms Paresa Antoniadis Spanos

Ms Pauline Therese Spencer

Mr Alan John Spillane

Ms Heather Margaret Spooner

Ms Fiona Margaret Stewart

Ms Christine Anne

Stewart-Thornton

Mr Michael Henry Lewis Stone

Ms Noreen Mary Toohey

Mr Ian Maxwell Von Einem

Ms Susan Melissa Wakeling

Ms Belinda Jane Wallington

Mr Hugh Malcolm Walter

Mr Iain Treloar West

Mr William Peter White

Mr Brian Robert Wright

Mr Richard Thomas Wright

Mr Brian Philip

Wynn-Mackenzie

Acting Magistrates

Mr Brian Stirtevant Barrow

Mr John Douglas Bolster

Mr Barry Francis Docking

Ms Michelle Pauline Elizabeth
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Mr James Stanislaus Mornane

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