



Victims of Crime Assistance Tribunal 2007–08 Annual Report



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Letter to Minister

15 September 2008

The Honourable Rob Hulls
Attorney-General
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 2008. The report sets out the Tribunal's functions, powers, duties, and the performance and operations of the Tribunal during the year under review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. Gray', with a stylized flourish at the end.

Ian L Gray
Chief Magistrate

Chief Magistrate's Message

The 30th June 2008 marked the conclusion of the eleventh year of the operation of the Victims of Crime Assistance Tribunal. Over this time, the Tribunal received 38,368 applications for financial assistance, and awarded \$311.2 million to victims of crime by way of 32,985 awards of financial assistance, and thousands of awards of interim financial assistance.

The Tribunal was established to acknowledge and provide financial assistance to victims of crime committed in Victoria, that will assist them in their recovery from an act of violence. While the Tribunal is required to perform a regulatory function in determining applications for financial assistance, it aims to do this in a manner that treats victims with dignity and respect; is sympathetic and compassionate; is timely, informal, cost-effective and accessible; and supports sound financial management.

Demand upon the Tribunal continued to increase throughout the reporting period, with the Tribunal receiving the highest number of applications, making the highest number of awards, and awarding the highest amount of financial assistance within a single year since its commencement. I believe that this result is likely to be attributed, in part, to improved collaboration and integration among victim support services throughout Victoria, the implementation of the *Victims Charter Act 2006*, and the internal and external communication activities in which Tribunal representatives participated to increase awareness of and access to the Tribunal.

Although the increased demand suggests that more victims of crime are being assisted by the Tribunal in their recovery from an act of violence by awards of financial assistance, the demand has presented challenges to the Tribunal in continuing to provide a timely response to victims of crime with existing resources. Information within this report regarding lodgements, disposal orders, pending caseload and processing times suggests that while the Tribunal has finalised more applications than in previous years, the incoming volume of applications exceeds the Tribunal's capacity to maintain previous response times. Opportunities to address this issue will be considered throughout the next year.



A key area of focus of the Tribunal over the reporting period was on counselling, in recognition that many applicants require financial assistance for counselling expenses pending the determination of their applications. Significant changes were made to procedures for applying for counselling expenses, the content of reports provided by counsellors in support of applications for counselling expenses, invoicing practices for counselling expenses, the fees paid by the Tribunal for counselling expenses, and interim awards of financial assistance made by registrars. Tribunal members and registrars also participated in professional development activities regarding counselling and the treatment needs of victims of crime. It is intended that these changes and activities will assist the Tribunal to assess the qualifications of counsellors to diagnose and treat applicants, the efficacy and appropriateness of proposed treatment, and whether the proposed treatment cost is reasonable. In addition, this activity is intended to improve applicants' access to the Tribunal for counselling expenses, and contribute to improved efficiency within the Tribunal.

I was pleased to extend the operation of the Koori VOCAT List pilot beyond 30 June 2008, which reflects a commitment by the Tribunal to improve its accessibility to Indigenous victims of crime. The extension was only possible as a result of a commitment of funding from the Department of Justice to support the List's continued operation to 30 June 2009. This funding will enable the Tribunal to recruit a staff member into the position of Koori VOCAT List Registrar, which had previously been performed with existing registry resources at Melbourne. The extension of the List will provide the Tribunal an opportunity to evaluate its performance and make recommendations regarding the operation of the List beyond June 2009.

In January 2008, Magistrate Heather Spooner commenced as the Tribunal's Supervising Magistrate, and I thank her for her enthusiasm and the support provided to the magistracy and registrars during the reporting period. I take this opportunity to acknowledge the work of Magistrate Susan Wakeling in her role as the Tribunal's former Supervising Magistrate. I believe that her commitment and leadership in this role over the three years to December 2007 made a significant contribution to the operation of the Tribunal, and to improved responses to victims of crime.

The Tribunal's Coordinating Committee continued to meet regularly over the reporting period to consider issues relating to the operation of the Tribunal. I thank those magistrates and registrars of the Committee for their leadership and commitment.

The Tribunal could not operate without the support provided by registrars and administrative officers across Victoria. I acknowledge the professionalism, commitment and dedication of those staff in the administration of the Tribunal, and in working towards improved outcomes for victims of crime.

I commend also the magistrates of the Magistrates' Court of Victoria, each of whom performs the role of tribunal member. It is my firm view that in working within this challenging jurisdiction, magistrates acquire an understanding of the impact of crime upon victims that informs sentencing decisions made within the criminal jurisdiction of the Magistrates' Court.



Tribunal Role and Procedure

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 makes awards of financial assistance to victims of crime for certain expenses incurred, or reasonably likely to be incurred, by them as a direct result of the crime, to assist them in their recovery from an act of violence. In some circumstances, the Tribunal may decide to make an award of special financial assistance or an award for distress in recognition of the significant adverse effects suffered by a victim of crime.

In the 12 months ending 30 June 2008, the Tribunal awarded \$35,825,119 in financial assistance to victims of crime, compared to \$32,569,192 in the previous year (increase of 10 percent). This amount comprised \$28,737,988 for expenses incurred and lump sum payments for special financial assistance, distress, loss of earnings and legal costs compared to \$27,062,594 in the previous year, (increase of 6 percent), and authorisation for expenditure of \$7,087,131 for future expenses, compared to \$5,506,598 in the previous year (increase of 29 percent).

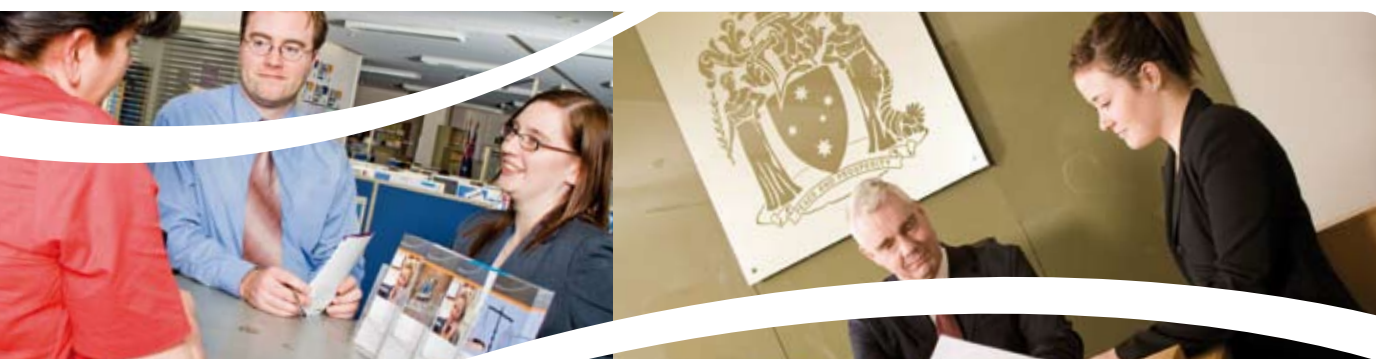
In this section of the report, the Tribunal presents information regarding the process for making and determining an application for financial assistance.

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. Application forms are available from the Tribunal's website (www.vocat.vic.gov.au) and all venues of the Magistrates' Court of Victoria.

In the year ending 30 June 2008, there were 4,820 applications for financial assistance lodged with the Tribunal, compared to 4,508 in the previous year (increase of 7 percent). This is the highest number of applications lodged in a single year since the Tribunal commenced operations 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 the application is to be made

An application for financial assistance must be made within two years of the act of violence occurring or, in the case of an application by a related victim or a person who has incurred funeral expenses, within two 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

Applications for assistance must be lodged at the venue of the Tribunal that is closest to the applicant's place of residence. If there is more than one applicant and they are not close family members, the application must be lodged at the venue of the Tribunal that is closest to the act of violence. All applications where 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 must be lodged with the Tribunal at Melbourne. Applications where the applicant identifies as Aboriginal and/or Torres Strait Islander that are lodged at venues other than Melbourne will be transferred to Melbourne for inclusion in the Koori VOCAT List.

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

Who may receive financial assistance

The Tribunal may award financial assistance to primary victims, secondary victims, and related victims of a deceased primary victim. The Tribunal may also award financial assistance 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.

When the Tribunal may award financial assistance

The Tribunal may award financial assistance to an applicant if it is 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 funeral expenses as a direct result of the death of the primary victim; and
- 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.

Assistance that may be awarded

The Tribunal may award financial assistance for:

- expenses that were actually incurred, or are reasonably likely to be incurred, by the applicant for reasonable counselling and medical expenses that will assist in their recovery from the act of violence;
- expenses incurred by the applicant for loss or damage to clothing worn at the time of the commission of the act of violence (primary victims only);
- loss of earnings suffered, or reasonably likely to be suffered, by the applicant as a direct result of the act of violence (primary and secondary victims only); and
- funeral expenses actually and reasonably incurred, or reasonably likely to be incurred, by the applicant as a direct result of the death of the primary victim (does not have to be a related victim).

In exceptional circumstances, the Tribunal may award an amount for other expenses actually and reasonably incurred, or reasonably likely to be incurred, by an applicant to assist them in their recovery from the act of violence.

Determining an application for financial assistance

In determining an application for financial assistance, the Tribunal must consider:

- whether an act of violence was committed;
- whether the applicant is a primary, secondary or related victim of that act of violence; and
- whether the applicant is entitled to receive the assistance (as the *Victims of Crime Assistance Act 1996* includes restrictions regarding entitlements to assistance in some circumstances).

In considering these issues, the Tribunal will consider reports from Victoria Police relating to the act of violence, and medical and/or psychological reports relating to the injury arising from the act of violence.

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
- a person who was injured or dies as a result of rendering assistance to a person believed to be the victim of an act of violence, or trying to prevent a crime, or trying to arrest the person believed to have committed the crime.

The Tribunal may award a primary victim financial assistance of up to \$60,000 for reasonable counselling services, medical expenses, loss of earnings (maximum of \$20,000), and loss of or damage to clothing worn at the time of the commission of the act of violence. The Tribunal may also award special financial assistance of up to \$10,000 in some circumstances.

In exceptional circumstances, an award of financial assistance may be made (within the \$60,000 limit) for other reasonable expenses that will assist in a victim's recovery. For example, the Tribunal may be satisfied that an applicant who was assaulted in their home will be assisted in their recovery through an award of financial assistance for the installation of a security system.

Secondary victims

A secondary victim of an act of violence is:

- a person who is present at the scene of an act of violence and who is injured as a direct result of witnessing that act; or
- a person who is injured as a direct result of becoming aware of an act of violence committed against a primary victim, and they are the parent or guardian of the primary victim, and the primary victim was under the age of 18 years at the time of the commission of that act.

The Tribunal may award a secondary victim financial assistance of up to \$50,000 for reasonable counselling services and medical expenses incurred as a direct result of the act of violence. In exceptional circumstances, an award may be made (within the \$50,000 limit) for loss of earnings (maximum of \$20,000). 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 a primary victim who died as a direct result of the act of violence;
- a dependent of a primary victim who died as a direct result of the act of violence; or
- a person who had an intimate personal relationship with a primary victim who died as a direct result of the act of violence.

The maximum cumulative amount of financial assistance that may be awarded to all related victims of any one deceased 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. In exceptional circumstances, an award may be made for other reasonable expenses that will assist in a related victim's recovery. A dependent of a deceased primary victim may receive an award representative of their loss of financial support.

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.

Definition of *act of violence*

The Tribunal may only make an award of financial assistance if it is satisfied, on the balance of probabilities, that an act of violence has occurred. An *act of violence* is defined in the *Victims of Crime Assistance Act 1996* to mean a criminal act, or series of related criminal acts, whether committed by one or more persons, that has occurred in Victoria and directly resulted in the injury or death to one or more persons, irrespective of where the injury or death occurs.

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.

It is not necessary for a person to be prosecuted or convicted of the act of violence. However, the criminal act must be a relevant offence for the purposes of the Act. *Relevant offence* means an offence, punishable on conviction by imprisonment, and includes (among others) assault, rape, indecent assault, sexual offences against children, kidnapping or attempts to commit any of those offences.

Definition of *injury*

Injury is defined in the *Victims of Crime Assistance Act 1996* to mean 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. This definition does not include injury arising from loss or damage to property.

Hearings

The Tribunal recognises that a hearing often provides an avenue for applicants to relate their experience as victims of crime and to receive open acknowledgement and validation that they have been victimised. Tribunal hearings may be held in private and in an informal manner. The Tribunal may also determine an application without a hearing if the applicant has sought 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 if it is not satisfied, based on the material on file, that an act of violence has occurred. In these circumstances, the Tribunal will require evidence at a hearing. The Tribunal may also decide to adjourn its final decision regarding an application for financial assistance to await the outcome of the prosecution for the act of violence.

Where there is no prosecution, or where the criminal charge(s) have been dismissed or withdrawn, the Tribunal may consider notifying the alleged offender to provide them with an opportunity to appear at a hearing to contest the allegations made by the applicant. While this rarely occurs, the prospect can be daunting for applicants. Applicants are therefore given an opportunity to object to the alleged offender being notified of the allegations made and provided an opportunity to attend a hearing.

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, it is more often withdrawn by the applicant or struck out by the Tribunal for failure to provide supporting material or respond to correspondence, 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. Only a very small proportion of applications for financial assistance are refused.

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*. These limitations ensure that people who are not victims of crime, or who are not entitled to receive financial assistance, do not inappropriately benefit from the public purse by way of an award of financial assistance from the Tribunal.

The factors that the Tribunal must have regard to when determining whether an applicant is entitled to financial assistance, and the amount of financial assistance to award to an applicant 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; and
- 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.

In all cases, the amount of financial assistance awarded to assist an applicant in their recovery from an act of violence must be reasonable, and directly arise from the act of violence.

Awards of financial assistance for expenses not yet incurred

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 the expense. Examples of such expenses include future counselling sessions or surgery, 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 filed, 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 five sessions are adequate. In this situation, the Tribunal would only pay for five counselling sessions.

Special financial assistance

An award of 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 a crime 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 by the *Victims of Crime Assistance Act 1996* 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. The *Victims of Crime Assistance Act 1996* was amended in 2007, increasing the amount of special financial assistance that may be awarded for category A offences (by 33 percent), and for category B to D offences (by 30 percent), for acts of violence committed on or after 1 July 2007. As a result of the amendment, the maximum amount of special financial assistance that may be awarded by the Tribunal increased from \$7,500 to \$10,000.

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.

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 by the *Victims of Crime Assistance Act 1996* to mean 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.

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.

The Chief Magistrate has published Guidelines to aid Tribunal Members in determining the amount of legal costs to be awarded by the Tribunal in relation to preparation and appearance fees. On 16 August 2007, the Chief Magistrate issued Guideline 1/2007 which increased the amount payable for preparation and appearance fees (contrast to Guideline 1/2004 issued in December 2004). The Guidelines are published on the Tribunal's website at www.vocat.vic.gov.au.

Interim awards of financial assistance

Pending the final determination of an application for financial assistance, the Tribunal may make an interim award of financial assistance for expenses directly arising from the act of violence. Interim awards are often of an urgent nature, and are usually made for counselling services, however they may also cover funeral expenses as well as urgent relocation, security and accommodation expenses.

Tribunal members may award interim financial assistance for an amount not exceeding the limits that may be awarded to a primary, secondary or related victim. Up until April 2008, registrars could determine applications for interim awards of assistance for expenses not exceeding \$1,000 in total. As a result of an amendment to the *Victims of Crime Assistance (Delegation) Regulations 2003*, the amount of interim financial assistance that may be awarded by a registrar increased to \$5,000.¹

Variation of awards

The Tribunal may vary an award of financial assistance if the award was made within the previous six years, or up to the applicant attaining the age of 24 years if they were under the age of 18 years at the time the award was made.²

Awards are only varied upon application, and usually in situations where the victim requires further financial assistance to assist them in their recovery from the act of violence. For example, a victim may have been awarded financial assistance for 10 counselling sessions upon determination of an application, but 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 Tribunal may award further financial assistance to the applicant in these circumstances as a variation to the original award.

Variations to an original award cannot exceed the maximum amount of financial assistance that may be awarded to a primary, secondary or related victim.

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.

¹ Refer to the 'Administration of Tribunal' section of this report for further information on the amendment to the *Victims of Crime Assistance (Delegation) Regulations 2003*.

² This timeline applies if an award was made under the *Victims of Crime Assistance Act 1996*.

Financial Assistance Awarded by Tribunal

In this section of the report, the Tribunal presents information regarding the number of applications for financial assistance finalised, awards made, the amount of financial assistance awarded, applications to review Tribunal decisions, and case processing times.

Awards of financial assistance

Number of awards made

Of the applications finalised in the year ending 30 June 2008:

- 4,743 disposal orders were made in relation to applications for financial assistance, compared to 4,562 in the previous year (increase of four percent).³ Of the disposal orders made, 70 percent were awards of financial assistance, which is consistent with the previous year (69 percent).
- 3,343 awards of financial assistance were made, compared to 3,134 in the previous year (increase of seven percent).
- 113 applications for financial assistance were refused, compared to 68 in the previous year (increase of 66 percent). This is consistent with years prior to the year ending 30 June 2007.
- 1,283 applications for financial assistance were withdrawn by the applicant or struck out by the Tribunal, compared to 1,139 in the previous year (increase of 13 percent).
- 2,768 awards of financial assistance were made to primary victims, compared to 2,451 in the previous year (increase of 13 percent). As in previous years, the majority of awards were made to primary victims (83 percent, compared to 78 percent in the previous year).
- 248 awards of financial assistance were made to secondary victims, compared to 261 in the previous year (decrease of five percent). Secondary victims represented seven percent of all awarded victims, compared to eight percent in the previous year.
- 298 awards of financial assistance were made to related victims, compared to 378 in the previous year (decrease of 21 percent). Related victims represented nine percent of all awarded victims, compared to 12 percent in the previous year.
- two awards of financial assistance for funeral expenses were made to a person who was not a related victim of the deceased primary victim, compared to four in the previous year.
- 457 awards of financial assistance were ordered by the Tribunal to be held in trust, representing 14 percent of the total number of awards made, which is consistent with the previous year.
- 50 percent of awarded applicants were female, compared to 53 percent in the previous year.



³ From 2007/08, the Tribunal reports 'number of disposal orders made', rather than 'applications finalised' as this provides a more accurate report on the outputs of the Tribunal. 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 responding to correspondence from the Tribunal, re-instated upon request, with an award subsequently being made, resulting in two disposal orders being recorded. The result reported in the Victorian Government's annual budget papers is 'disposal orders made'.

- the act of violence in 55 percent of applications where an award was made was an assault offence (compared to 51 percent in the previous year), followed by sex (non-rape) offences (16 percent compared to 17 percent in the previous year), and homicide offences (11 percent compared to 14 percent in the previous year).

Total amount of financial assistance awarded on determination of applications

In the year ending 30 June 2008:

- \$29,998,100 in financial assistance (including legal costs) was awarded on determination of applications for financial assistance, compared to \$26,709,300 in the previous year (increase of 12 percent).
- 85 percent of the total amount of financial assistance awarded (including legal costs) was awarded as a direct payment to the applicants or service providers for expenses already incurred by the applicant, special financial assistance, distress, loss of earnings and legal costs, while 15 percent was awarded for expenses not yet incurred (as an authorised future expense)⁴.

Awards of financial assistance for expenses already incurred⁵

In the year ending 30 June 2008:

- \$22,296,443 in financial assistance (excluding legal costs) was awarded to applicants for expenses already incurred, lump sum payments for special financial assistance, distress and loss of earnings compared to \$20,603,376 in the previous year (increase of eight percent).
- the average amount of financial assistance awarded for expenses already incurred, costs and lump sum payments for special financial assistance, distress and loss of earnings was \$6,670, compared to \$6,574⁶ in the previous year (increase of one percent).

Awards of financial assistance authorising future expense

In the year ending 30 June 2008:

- of the awards of financial assistance made, 1,511 awards included financial assistance for expenses not yet incurred, compared to 1,342 in the previous year (increase of 13 percent).
- \$4,489,210 in financial assistance for future expense was authorised, compared to \$3,271,404 in the previous year (increase of 37 percent).

- the average amount of future expense authorised was \$2,971, compared to \$2,438 in the previous year (increase of 22 percent).

Special financial assistance

In the year ending 30 June 2008:

- \$7,716,252 in special financial assistance was awarded to primary victims, compared to \$6,785,505 in the previous year (increase of 14 percent).
- the average amount of special financial assistance awarded to primary victims was \$2,788, compared to \$2,768 in the previous year (increase of one percent).
- special financial assistance awarded to primary victims comprised 35 percent of the total amount of financial assistance awarded for expenses already incurred and lump sum payments (excluding legal costs), compared to 33 percent in the previous year.

The Tribunal awarded the highest annual amount of special financial assistance in the reporting period since its introduction on 1 July 2000. This is attributed to the Tribunal determining the highest number of applications by primary victims during the reporting period, compared to previous years. Some of the increase in the amount of special financial assistance awarded is likely to be attributed to the increase in the amount of special financial assistance that could be awarded in relation to acts of violence that occurred on or after 1 July 2007.

Distress

In the year ending 30 June 2008:

- \$5,613,320 was awarded to related victims for distress, compared to \$5,927,844 in the previous year (decrease of five percent). The decrease in the amount awarded for distress is attributed to a lower number of related victim awards being made in the reporting period in comparison to the previous year.
- the average amount of financial assistance awarded to related victims for distress was \$18,837, compared to \$15,682 in the previous year (increase of 20 percent).

Loss of earnings

In the year ending 30 June 2008, \$2,747,839 in financial assistance was awarded for loss of earnings, compared to \$2,616,958 in the previous year (increase of five percent).

⁴ This is the second annual report of the Tribunal in which authorised future expense is reported. Additional information regarding the amount of financial assistance awarded by the Tribunal for expenses not yet incurred has been included in this report in comparison to the previous year.

⁵ This amount excludes legal costs awarded by the Tribunal.

⁶ The calculation for the average amount of financial assistance awarded on determination of application as reported in the 2006/07 Annual Report of the Tribunal included legal costs. Legal costs have been removed from the calculation in this report for the current and previous reporting periods.

Medical expenses

In the year ending 30 June 2008, \$2,005,452 in financial assistance was awarded for medical expenses, compared to \$1,416,584 in the previous year (increase of 42 percent). This amount comprises:

- \$1,270,703 in financial assistance for medical expenses already incurred by the applicant, compared to \$1,032,114 in the previous year (increase of 23 percent).
- \$734,749 in financial assistance for future medical expenses, compared to \$384,470 in the previous year (increase of 91 percent).

Other expenses to assist recovery

In the year ending 30 June 2008, \$5,630,186 in financial assistance was awarded for non-medical and non-counselling expenses, compared to \$3,983,894 in the previous year (increase of 41 percent). This amount comprises:

- \$3,347,904 in financial assistance awarded for non-medical and non-counselling expenses already incurred, compared to \$2,455,786 in the previous year (increase of 36 percent).
- \$2,282,282 in financial assistance awarded for future non-medical and non-counselling expenses, compared to \$1,528,108 in the previous year (increase of 49 percent).

Counselling expenses

A large proportion of the financial assistance awarded for counselling services is awarded as interim financial assistance, and upon variation of an award. As such, detailed information and figures regarding the overall amount of financial assistance awarded for counselling is set out in the *Financial Assistance for Counselling* section of this report.

Legal costs

In the year ending 30 June 2008:

- \$3,212,447 in legal costs (including disbursements) was awarded, compared to \$2,834,519 in the previous year (increase of 13 percent).
- the average amount of legal costs awarded was \$961, compared to \$904 in the previous year (increase of six percent).⁷

Interim awards of financial assistance

In the year ending 30 June 2008:

- a total of \$2,970,321 in interim financial assistance was awarded, compared to \$2,469,570 in the previous year (increase of 20 percent).
- of the total amount of interim financial assistance awarded, 48 percent was awarded as a direct payment for expenses already incurred by the applicant, while 52 percent was awarded as an authorised future expense.

Awards of financial assistance for expenses already incurred

In the year ending 30 June 2008:

- 1,784 applications for an interim award of financial assistance for expenses already incurred were finalised, compared to 1,636 in the previous year (increase of nine percent).
- 94 percent of applications for interim financial assistance for expenses already incurred were granted, compared to 97 percent in the previous year.
- 1,671 interim awards of financial assistance were made for expenses already incurred, compared to 1,580 in the previous year (increase of six percent).
- 18 percent (307) of interim awards of financial assistance for expenses already incurred were made by registrars, compared to 19 percent (301) in the previous year.
- \$1,426,217 in interim financial assistance was awarded for expenses already incurred, compared to \$1,152,661 in the previous year (increase of 24 percent).
- the average amount of interim financial assistance awarded for expenses already incurred was \$854, compared to \$730 in the previous year (increase of 17 percent).
- the majority (68 percent) of interim financial assistance awarded for expenses already incurred related to counselling expenses and funeral expenses, which is consistent with the previous year (63 percent).

⁷ 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.

Awards of financial assistance authorising future expense

In the year ending 30 June 2008:

- 1,235 interim awards of financial assistance were made authorising future expense, compared to 1,159 in the previous year (increase of seven percent).
- nine percent (114) of interim awards authorising future expense made by registrars, compared to 15 percent (172) in the previous year.
- \$1,544,104 in interim financial assistance for future expense was authorised, compared to \$1,316,910 in the previous year (increase of 17 percent).
- the average amount of future expense authorised by way of an interim award was \$1,250, compared to \$1,136 in the previous year (increase of 10 percent).
- the majority (72 percent) of the future expense authorised related to counselling sessions, which is consistent with the previous year (77 percent).

Variation of awards

In the year ending 30 June 2008:

- \$2,807,380 in financial assistance was awarded on variation, compared to \$3,279,351 in the previous year (decrease of 14 percent).
- of the total amount of financial assistance awarded on variation, 63 percent was awarded as a direct payment for expenses already incurred by the applicant, while 37 percent was awarded as an authorised future expense.

Awards of financial assistance for expenses already incurred

In the year ending 30 June 2008:

- 1,360 applications to vary an award were finalised, compared to 1,711 in the previous year (decrease of 21 percent).
- 96 percent of applications to vary an award were granted, compared to 97 percent in the previous year.
- 1,307 awards were varied, compared to 1,665 in the previous year (decrease of 22 percent).
- \$1,756,952 in financial assistance was awarded on variation for expenses already incurred, compared to \$2,366,377 in the previous year (decrease of 26 percent).
- the average amount of financial assistance awarded on variation for expenses already incurred was \$1,344, compared to \$1,421 in the previous year (decrease of five percent).

Awards of financial assistance authorising future expense

In the year ending 30 June 2008:

- 412 awards of financial assistance were varied to authorise future expense, compared to 448 in the previous year (decrease of eight percent).
- \$1,050,429 in financial assistance for future expense was authorised on variation, compared to \$912,974 in the previous year (increase of 15 percent).
- the average amount of future expense authorised on variation was \$2,550, compared to \$2,038 in the previous year (increase of 25 percent).

Applications for review

In the year ending 30 June 2008:

- 20 applications seeking a review of decisions of the Victims of Crime Assistance Tribunal (VOCAT) were lodged with the Victorian Civil and Administrative Tribunal (VCAT), compared to 30 in the previous year (decrease of 33 percent).
- 28 applications for review were finalised by VCAT, compared to 29 in the previous year (decrease of three percent).
- in 13 (46 percent) of the finalised applications for review the application did not proceed and was either dismissed, withdrawn, struck out or abandoned by the applicant, compared to 16 applications (55 percent) in the previous year.
- in seven (25 percent) of the finalised applications for review, the order of VOCAT was affirmed by VCAT, compared to two applications (seven percent) in the previous year.
- in five (18 percent) of the finalised applications for review, VCAT either varied the award made by VOCAT or set it aside and made an award of financial assistance, compared to nine applications (31 percent) in the previous year.
- in three (11 percent) of the finalised applications for review, VCAT set aside the order of VOCAT, and remitted the applications to VOCAT for reconsideration, compared to two applications (seven percent) in the previous year.
- VCAT awarded \$49,318 in financial assistance upon review, compared to \$110,971 in the previous year (decrease of 56 percent). This amount comprises:
 - \$45,930 in financial assistance for expenses already incurred, lump sum payments and legal costs, compared to \$105,661 in the previous year (decrease of 57 percent).

- \$3,388 in financial assistance for expenses not yet incurred compared to \$5,310 in the previous year (decrease of 36 per cent)⁸.

Financial assistance for counselling expenses

In the year ending 30 June 2008:

- a total of \$4,986,347 was awarded for counselling services (reports and sessions) by way of interim awards, final awards and variations to awards compared to \$4,894,538 in the previous year (increase of two percent).
- 24 percent of the amount awarded for counselling services was for report fees, while 76 percent was awarded for counselling sessions, which is consistent with the previous year (22 percent and 78 percent respectively).
- \$1,176,385 was awarded for psychological and psychiatric reports, compared to \$1,069,975 in the previous year (increase of 10 percent).
- \$3,809,963 was awarded for counselling sessions, compared to \$3,824,564 in the previous year (decrease of 0.4 percent). Of the total amount of financial assistance awarded for counselling sessions:
 - \$985,425 was awarded for counselling sessions that had already occurred, compared to \$1,099,542 in the previous year (decrease of 10 percent); and
 - \$2,824,538 was awarded for future counselling sessions (as an authorised future expense), compared to \$2,725,022 in the previous financial year (increase of four percent).
- of the interim awards of financial assistance made:
 - 27 percent (457) of interim awards made for expenses already incurred included financial assistance for counselling sessions already provided to applicants, compared to 25 percent (400 interim awards) in the previous year.
 - 85 percent (1,051) of interim awards made authorising future expense included an award for future counselling sessions, compared to 90 percent (1,038 interim awards) in the previous year.
- of the awards of financial assistance made upon final determination of applications, 74 percent (1,111) of awards made authorising future expense included an award for future counselling sessions, compared to 81 percent (1,084 awards) in the previous year.⁹
- of the awards of financial assistance that were varied, 41 percent (170) of awards varied to authorise future expense included an award for future counselling sessions, compared to 56 percent (252 awards) 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 finalised¹⁰.

Of the applications finalised in the year ending 30 June 2008:

- 50 percent of applications were finalised within nine months of lodgement, which is slightly lower than the previous year (53 percent).
- 67 percent of applications were finalised within 12 months of lodgement, which is consistent with the previous year (68 percent).

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 (of 30 June).

On 30 June 2008:

- 5,084 applications for financial assistance were pending, compared to 4,585 on 30 June in the previous year (increase of 11 percent).
- 40 percent of the pending applications had been pending for more than nine months, which is slightly higher than the previous year (38 percent).
- 28 percent of the pending applications had been pending for more than 12 months, which is slightly higher than the previous year (26 percent).

⁸ The amount of financial assistance awarded on review includes assistance awarded as an authorised future expense, which was not reported in previous reports

⁹ Although financial assistance was awarded for expenses already incurred for counselling sessions upon final determination of applications and variation of awards, the number of awards in which such an award was made was not available for inclusion in this report.

¹⁰ Where a finalised application has been reinstated 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.

Koori VOCAT List

The Tribunal has acknowledged that Indigenous Australians' experience of the justice system has had an impact upon their capacity and inclination to engage with a State funded victims assistance scheme. Many Indigenous Australians have experienced the legal system as hostile, inaccessible and to be avoided. An application for financial assistance to the Tribunal will generally require an Indigenous applicant to participate and cooperate with a police investigation, and may also subject their past conduct and character to the scrutiny of a judicial officer.

The Tribunal observed that Indigenous victims of crime were not engaging as applicants to the Tribunal, and undertook community consultation with respect to the establishment of the Koori VOCAT List.

Following consultation, the Koori VOCAT List was established on 1 July 2006 as a two-year pilot. The purpose of the List was to develop processes and practices that would overcome the barriers to accessing the acknowledgement and financial assistance to which Indigenous victims of crime may be entitled pursuant to the *Victims of Crime Assistance Act 1996*.

The Tribunal commenced the operation of the List without additional resources to support its operation. This had a significant impact on staffing and budget resources within the Melbourne Registry, and prior to the end of the two-year pilot the Tribunal identified that it would be unable to continue the List beyond 30 June 2008 without additional registry resources to manage the List. In early July 2008, the Tribunal was advised that 12-months of funding had

been approved for a specific position of Koori VOCAT List Registrar, which will enable the List to operate to 30 June 2009, and to support a review of the List and consider options for its future operation and development.

Mechanics

From 1 July 2005, the Tribunal's Application for Assistance form has included a question inviting applicants to indicate whether they identify as an Indigenous Person. Since the commencement of the Koori VOCAT List, applications recording a positive response to this question have been transferred to the Tribunal's Melbourne Registry for inclusion in the List. Relevant applications filed prior to the commencement of the List were transferred subject to the direction of a Tribunal Member at the venue at which the application was filed.

All applications are managed by a single registrar at the Melbourne Registry, who is responsible for the day-to-day operations of the List, and also plays an important role liaising between the Tribunal, Indigenous applicants and Indigenous service providers.

The List enables the Tribunal to respond with maximum flexibility to the particular circumstances of an Indigenous applicant. The Tribunal can determine applications without a hearing where the issues are not controversial, but where hearings are conducted, the Tribunal will seek to do so in a manner conducive to the best evidence becoming available.



In managing listings and hearings, the Tribunal will ask the applicant to:

- indicate their preference for the venue of the hearing;
- whether any alternative arrangements are sought, including alternative arrangements for attendances by video link or for the giving of evidence by remote witness facility; and
- whether they will be accompanied by an Elder or respected person from their community who can provide information of assistance to the Tribunal and/or provide support to the applicant. Although the Tribunal is not a Koori Court with a formal role for respected Elders, the Tribunal can be informed by respected members of the community of matters which would assist the Tribunal to understand and fairly decide issues.

Koori VOCAT List Registrar

A fixed-term position of Koori VOCAT List Registrar will be advertised in early 2008/09, as an Identified position for which Aboriginal and/or Torres Strait Islander applicants are encouraged to apply.

It is anticipated that the Koori VOCAT List Registrar will travel to metropolitan and regional venues of the Tribunal in performing their role. Key duties of the position will be to manage all applications for financial assistance by Indigenous applicants, exercise the responsibilities of a registrar of the Tribunal including considering applications for interim awards of financial assistance, collating statistics relevant to the List, undertaking analysis of trends, and assisting in the evaluation of the List. It is also expected that the Registrar will establish relationships and build upon existing relationships between the Tribunal and key stakeholders in relation to the Koori VOCAT List, and participate in and conduct community education, communication and liaison activities.

It is anticipated that the creation of a funded full-time Koori VOCAT List Registrar position will improve the operation of the Koori VOCAT List as well as its accessibility and responsiveness to Indigenous victims of crime. In addition, the funding of this position will enable the Tribunal's Melbourne registry to re-direct existing registry resources to other demands within the registry

Caseload

At 30 June 2008 there were 278 applications in the Koori VOCAT List, of which 88 had been finalised. In the majority of applications (78 percent), the applicant had identified as a primary victim, followed by related victims (18 percent) and secondary victims (eight percent). Eighty-seven per cent of applicants resided within Victoria. The gender of 62 percent of applicants was recorded as female, while 82 percent of offenders / alleged offenders were recorded as male (offender gender was not recorded in relation to five percent of applications). Eighty-six per cent of applicants were legally represented, with just over half of the those applicants represented by eight firms. Of the applications that were finalised, an award was made in 69 percent of applications, two percent were refused, and 29 percent were withdrawn or struck out.



Administration of Tribunal

In this section of the report, the Tribunal presents information regarding its composition, staffing arrangements, the role of the Supervising Magistrate, the Tribunal's Coordinating Committee, issues considered by the Coordinating Committee over the reporting period, professional development activities, community and professional liaison activities, administrative issues and financial information.

Composition of the 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 in respect of the operating procedures and practices of the Tribunal.

Tribunal staff

The Tribunal employs a Principal Registrar, registrars and administrative staff to support its operation. The Principal Registrar, Standards and Compliance Officer, Registry Manager, seven 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: 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.

In January 2008, a new position within the Tribunal of Standards and Compliance Officer was established. Key duties of the position include reviewing and redeveloping existing operational procedure manuals; developing, implementing and delivering a structured training program to registrars and administrative officers performing duties relating to the Tribunal; and contributing to the redevelopment of an internal audit framework.

Supervising Magistrate

A Supervising Magistrate for the Tribunal is appointed for a three-year term by the Chief Magistrate. Magistrate Susan Wakeling commenced in this role in January 2005 and completed her term as Supervising Magistrate in December 2007. Magistrate Heather Spooner commenced as the Tribunal's Supervising Magistrate in January 2008.



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.

Coordinating Committee

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

In the year under review, members of the committee were Supervising Magistrates Susan Wakeling (chair to 31 December 2007) and Heather Spooner (chair from 1 January 2008), Deputy Chief Magistrates Felicity Broughton and Dan Muling, Magistrates Amanda Chambers, David Fanning, Catherine Lamble, Jane Patrick, and Duncan Reynolds. Registry staff were represented by Samantha Adrichem, Melissa Biram, Donna Caruana, and Simon Walker.

The committee met regularly over the reporting period to consider and discuss a number of issues, including:

- The relevance of the *Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder*¹¹ in determining applications for financial assistance for counselling, and appropriate forms of psychological counselling for children in light of their age and treatment needs.
- A review of procedures regarding applications for financial assistance for counselling expenses, the content and form of counselling and assessment reports prepared by treating and non-treating psychologists / psychiatrists and invoicing practices. This resulted in the development and issue of the Practice Directions 1/2008 and 2/2008 by the Chief Magistrate regarding counselling and assessment.
- A review of the fees paid to psychologist and non-psychologist counsellors for the provision of counselling services (reports and counselling sessions), resulting in Guideline 2/2007 being issued by the Chief Magistrate.
- The qualifications and experience of non-psychologist counsellors who provide counselling services funded by the Tribunal.
- The Tribunal's response to applications for interim awards of financial assistance and the number of awards made by the registrars. This resulted in a recommendation to the Attorney-General to amend the *Victims of Crime Assistance (Delegation) Regulations 2003* to increase the amount of interim financial assistance that may be awarded by a registrar from \$1,000 to \$5,000.
- Legal representation for applicants, opportunities to improve applicants' access to legal services, and reviewing fees paid by the Tribunal for legal costs (preparation and appearance fees). This resulted in Guideline 1/2007 being issued by the Chief Magistrate, and informed the Tribunal's response to concerns of fees charged by legal practitioners in contravention of section 48(4) of the *Victims of Crime Assistance Act 1996*.
- The outcome of applications to the Victorian Civil and Administrative Tribunal (VCAT) for review of decisions, and the engagement of counsel to represent the Tribunal in applications for review at VCAT.
- Procedures regarding the determination of applications for financial assistance without hearings pursuant to section 33 of the *Victims of Crime Assistance Act 1996*.
- Amendments to the *Victims of Crime Assistance Act 1996* and the *Transport Act 1983* in relation to the eligibility of train drivers to receive financial assistance from the Director of Transport in certain circumstances.
- The impact of registry staffing levels on the effective operation of the Tribunal.
- The entry and confirmation of tribunal members' orders in the Tribunal's case management system (Courtlink database) that enables funds to be appropriated from the Consolidated Fund for the purpose of paying awards of financial assistance.
- Developing and contributing to professional development programs for tribunal members in April 2008, and registrars in November 2007.
- The review and further development of the Tribunal's Handbook, an internal resource for tribunal members.
- Applications for financial assistance for expenses associated with the cleaning of crime scenes.
- Monitoring statistical information across venues regarding the volume of applications lodged and determined, awards made, and the amount of financial assistance awarded.
- Monitoring the progress of applications within the Koori VOCAT List.
- Developing complementary procedures for applications for financial assistance in the Family Violence Court Division of the Magistrates' Court and the Neighbourhood Justice Centre.

¹¹ Australian Centre for Posttraumatic Mental Health (2007), *Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder*, Melbourne, Victoria

Key area of focus

The Tribunal may award financial assistance to an eligible applicant for expenses actually incurred, or reasonably likely to be incurred, for reasonable counselling that will assist their recovery from an act of violence.

The Tribunal recognises that many applicants require financial assistance for counselling expenses pending the determination of their applications, to assist them in their recovery from an act of violence. However, before awarding any financial assistance, the Tribunal must be satisfied, on the balance of probabilities, that an act of violence occurred; that the applicant is a primary, secondary or related victim of that act of violence; and that the applicant is entitled to receive that assistance.

Given the importance of early access to counselling to assist a victim in their recovery from an act of violence, the Tribunal focused on counselling issues throughout the reporting period. In particular, key areas of attention included considering the counselling needs of victims of crime, Tribunal procedures regarding applications for counselling, the content of reports submitted to the Tribunal in support of counselling, fees paid by the Tribunal for counselling sessions, access to interim awards of financial assistance for counselling, and professional development for tribunal members and registrars regarding counselling.



Registrars from metropolitan and regional Victoria participating in the 2007 Registry Conference of the Victims of Crime Assistance Tribunal

Counselling

New procedures regarding applications for counselling expenses

In May 2008, the Chief Magistrate issued new Practice Directions to assist the Tribunal in determining applications for awards of financial assistance for counselling expenses (see Practice Directions 1/2008 and 2/2008, effective 1 July 2008). In particular, the Practice Directions assist the Tribunal to assess the qualifications of the proposed counsellor to diagnose and/or treat the applicant; the appropriateness and efficacy of the proposed treatment to assist the applicant to recover from the act of violence which has led to them making an application to the Tribunal; whether the proposed cost of the treatment is reasonable; the progress of treatment provided to an applicant when further treatment is recommended; and to ensure that the applicant has been informed by the counsellor of the proposed treatment and endorses it. The Tribunal has specified the format in which applications for counselling, reports prepared by counsellors and invoices for counselling sessions are to be filed with the Tribunal. As the Tribunal receives a high volume of reports from hundreds of different report writers, the filing of documents in the format specified by the Chief Magistrate will assist the Tribunal to provide a timely response to applications for counselling expenses and ensure that relevant information is provided to the Tribunal.

The new procedures were informed by the *Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder*¹¹ (the Guidelines), and the results of the *Counselling Benchmarks Project* undertaken by James McInnes of the Victims Support Agency, Department of Justice in relation to applications and awards of financial assistance for counselling expenses.

It is expected that the Guidelines will assist tribunal members and registrars in determining applications for counselling by providing clear and consistent guidelines regarding effective treatment of Acute Stress Disorder (ASD) and Posttraumatic Stress Disorder (PTSD), and the criteria for determining whether a counsellor is suitably qualified to deliver the treatment recommended. The Guidelines acknowledge that ASD and PTSD are only some of the conditions faced by individuals affected by traumatic events. The Guidelines will not be applicable to all applicants.

¹² Australian Centre for Posttraumatic Mental Health (2007), *Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder*, Melbourne, Victoria

The *Counselling Benchmarks Project* examined and analysed applications for financial assistance across metropolitan and regional Tribunal venues for the purpose of identifying whether applicants were receiving counselling based on effective treatment methods and delivered by appropriately qualified practitioners. The results provided a snapshot of the characteristics of applicants and the counselling that they were awarded and had accessed, and also provided insight into counselling practitioner report writing in relation to applications for financial assistance for counselling expenses.

Increase in fees for counselling services

On 21 December 2007, the Chief Magistrate issued Guideline 2/2007 in relation to fees for the preparation of reports and counselling sessions. This Guideline increased the fees previously suggested to Tribunal members and registrars in Guideline 2/2004 (issued on 21 December 2004). The new Guideline applies to all awards for counselling made on and after 1 January 2008, and for reports filed on or after this date. It is assumed that this change has contributed to the increase in the amount of financial assistance awarded by the Tribunal for counselling services compared to previous years. The Guideline is published on the Tribunal's website at www.vocat.vic.gov.au.

Interim awards of financial assistance

In 2003 the *Victims of Crime Assistance Act 1996* was amended to give the Tribunal the power to determine applications for interim financial assistance to "increase the efficiency of the Tribunal and enable it to be more responsive to victims who present with urgent needs"¹³, and to "enable the Tribunal to deal with interim applications more quickly, especially where applicants are seeking urgent counselling or relocation."¹⁴ The 2003 amendment also authorised the Chief Magistrate to delegate to the Principal Registrar, registrars or deputy registrars of the Tribunal the power to hear and determine an application for interim financial assistance, not exceeding a maximum cumulative amount of \$1,000.

Although the number of interim awards made since 2003 had remained stable, the number of interim awards of financial assistance made by registrars had declined. The decrease was attributed to applications for interim awards of financial assistance often exceeding the prescribed maximum of \$1,000, and a need to improve support to registrars to assist them in determining applications for interim financial assistance.

Upon the recommendation of the Chief Magistrate, the Attorney-General approved an amendment to the *Victims of Crime Assistance (Delegation) Regulations 2003* to increase the maximum cumulative amount of interim financial assistance that may be awarded by registrars of the Tribunal from \$1,000 to \$5,000. In addition, the Tribunal took steps to revise its approach to training registrars in relation to determining applications for interim awards of financial assistance.

The increased maximum prescribed amount will enable registrars to determine more applications for interim financial assistance. It is anticipated that this will assist the Tribunal to respond quickly to an applicant's urgent need for financial assistance, and improve the Tribunal's efficiency in determining applications for interim financial assistance pending the final determination of an application.

Legal costs

On 16 August 2007, the Chief Magistrate issued Guideline 1/2007 in relation to preparation and appearance fees paid to legal practitioners. This Guideline increased the fees previously suggested to Tribunal members in Guideline 1/2007 (issued in December 2004). It is assumed that this change contributed to the increase in the amount of assistance awarded by the Tribunal for legal fees compared to previous years. The Guidelines are published on the Tribunal's website at www.vocat.vic.gov.au.

Professional education for tribunal members

Magistrates from across Victoria attended a professional education conference in Melbourne in April 2008, in which issues relating to the Tribunal were presented and discussed.

A key focus of the conference was the counselling needs of victims of crime. Professor Mark Creamer, Director of the Australian Centre for Posttraumatic Mental Health (ACPMH), was the keynote speaker, and presented on mental health responses to victims of crime. He was followed by Associate Professor David Forbes, Clinical Director of the ACPMH, who presented the *Australian Guidelines for the Treatment of Acute Stress Disorder and Posttraumatic Stress Disorder*, and participated in a panel discussion regarding applications for financial assistance for counselling.

¹³ Victoria, Parliamentary Debates, Legislative Assembly, 10 October 2002, 529, (Rob Hulls, Attorney-General)

¹⁴ Victoria, Parliamentary Debates, Legislative Assembly, 1 May 2003, 1308, (Rob Hulls, Attorney-General)

Training for registry staff

Registry staff supporting the operation of the Tribunal across Victoria attended a staff conference in November 2007. The conference focused on registry activities and practices that would support improved responses to Tribunal stakeholders. The outcomes of the conference informed a number of changes in Tribunal procedures, including interim awards of financial assistance made by registrars, and administrative practices.

Lectures regarding Tribunal processes and procedures were provided to trainee court registrars undertaking the Certificate IV in Government (Court Services).

Registrars from across Victoria attended at the Tribunal's Principal Registry in Melbourne for training in relation to the Tribunal's procedures.

Legal and community education

Leo Cussen Institute

Magistrate Amanda Chambers and Principal Registrar Samantha Adrichem presented a paper on the *Victims of Crime Assistance Act 1996* and Tribunal procedures to legal practitioners at a Leo Cussen Legal Professional Development forum in August 2007.



Registrars from metropolitan and regional Victoria participating in the 2007 Registry Conference of the Victims of Crime Assistance Tribunal

Regional Forums – Promoting a seamless response for victims of crime

Tribunal representatives from Melbourne and regional venues participated in Regional Victims Forums in Ballarat and Ringwood in April 2008, attended by approximately 60 participants, including victims support workers, psychologists and legal practitioners. The forums, organised by the Victims Support Agency, aimed to:

- promote the Victims Charter and build on its first year achievements;
- facilitate information sharing among criminal justice agencies and support services on a regional basis;
- foster further partnership building and relationship strengthening across agencies on a regional basis;
- promote initiatives that are designed to help victims, such as the Regional Grants Program managed by the Victims Support Agency; and
- consider the next steps in building and strengthening collaborative relationships at a regional level.

Further forums are intended to be held across metropolitan and regional Victoria throughout 2008.

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 (Department of Justice) and the Victims Advisory Unit (Victoria Police).

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

International and interstate visitors

Members of the Justice and Electoral Committee of the New Zealand House of Representatives met with Magistrates Susan Wakeling and Dan Muling, Samantha Adrichem (Principal Registrar) and Graeme Chirgwin (Manager, Specialist Courts and Court Support Services) in August 2007. The Committee was conducting an inquiry into the rights of victims of crime, and was seeking to draw on the Victorian experience to inform its recommendations.



From left to right: Samantha Adrichem (Principal Registrar), Lynne Pillay MP (Chairperson, Justice and Electoral Committee, House of Representatives, New Zealand), Charles Chauvel MP, Magistrate Susan Wakeling, Ann Hartley MP, Nandor Taczos MP and Meipara Poata (Office of the Clerk of the House of Representatives).

Representatives of the Department of Justice in Queensland met with Magistrate Heather Spooner, Samantha Adrichem and Simon Walker in January 2008 in relation to a review of the *Criminal Offence Victims Act 1995* (Qld) and the delivery of services to victims of crime in Queensland. The purpose of the visit was for the visitors to gain an understanding of *Victims of Crime Assistance Act 1996* and the administration of the Tribunal to inform their review.

Technology

In the year under review (from 24 September 2007), the Tribunal's website was visited by 14,012 unique browsers.¹⁵

The Tribunal's redeveloped website went live in September 2007, and content was progressively updated throughout the reporting period. Content will continue to be updated.

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

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

¹⁵ From 24 September 2007, the Department of Justice utilised a new service to report on web trends. As such, information on trends from 1 July and 23 September 2007 is not available, and cannot be compared to information reported in previous annual reports.

Complaints process

The procedure for making a complaint in relation to the Victims of Crime Assistance Tribunal is included in the procedure document for the Magistrates' Court of Victoria. The procedure document is available from the Tribunal's website at www.vocat.vic.gov.au.

Costs of administering the Tribunal

The costs of administering the Tribunal in the year ending 30 June 2008 totalled \$2,021,902 compared to \$1,790,813 in the previous year (increase of 13 percent).

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 the current enterprise bargaining agreement and annual performance pay; the creation of the position of Standards and Compliance Officer; participation in the Youth Employment Scheme (traineeship); a registry conference for Tribunal staff; expenses incurred for secondary storage of Tribunal files, and ex-gratia payments. Expenditure associated with building operations, maintenance, information technology and training for staff of the Magistrates' Court of Victoria are apportioned across all jurisdictions and programs operating within the Court and its facilities, and increases in those costs result in increases in the operating expenditure of the Tribunal.

Financial assistance paid by the Tribunal

In the year ending 30 June 2008, \$29,794,883 in financial assistance was paid by the Tribunal to victims of crime and service providers, compared to \$27,113,398 in the previous year (increase of 10 percent). 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 2008.





Statistical Report

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

**Table 1: Applications for assistance lodged, finalised and pending,
2005/06 – 2007/08**

	2005-06	2006-07	2007-08
CASELOAD			
Number applications lodged	4,470	4,508	4,820
Number of disposal orders made ¹⁶	4,188	4,562	4,743
Number applications pending on 30 June	4,370	4,585	5,084
CASE PROCESSING TIMES			
Proportion of applications finalised within 9 months of lodgement	53.8%	53.0%	50.0%
Proportion of applications finalised within 12 months of lodgement	67.7%	67.8%	66.9%
AGE OF PENDING CASELOAD			
Proportion of applications pending for 9 months or more on 30 June	37.1%	37.8%	39.7%
Proportion of applications pending for 12 months or more on 30 June	26.7%	26.0%	27.8%

**Table 2: Disposal orders made upon determination of applications for financial assistance,
2005/06 – 2007/08**

DISPOSAL ORDER	2005-06		2006-07		2007-08	
Application granted / award made	2,809	67.1%	3,134	68.7%	3,343	70.5%
Application refused	91	2.2%	68	1.5%	113	2.4%
Application struck out / withdrawn	1,111	26.5%	1,139	25.0%	1,283	27.1%
Other disposal ¹⁷	177	4.2%	221	4.8%	4	0.1%
TOTAL	4,188	100%	4,562	100%	4,743	100%

¹⁶ From 2007/08, the Tribunal reports 'number of disposal orders made', rather than 'applications finalised' as this provides a more accurate report on the outputs of the Tribunal. 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 responding to correspondence from the Tribunal, re-instated upon request, with an award subsequently made, resulting in two disposal orders being recorded. The result reported in the Victorian Government's annual budget papers is 'disposal orders made'.

¹⁷ Results reported in this category prior to 2007/08 were also recorded in the category of 'application granted / award made'.

Table 3: Number of final awards of financial assistance made by award category, 2005/06 – 2007/08

AWARD CATEGORY	2005-06		2006-07		2007-08	
Primary victim award	2,332	83.0%	2,451	78.2%	2,768	82.8%
Secondary victim award	194	6.9%	261	8.3%	248	7.4%
Related victim award	247	8.8%	378	12.1%	298	8.9%
Award for funeral expenses	1	-	4	0.1%	2	0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	8	0.2%	9	0.3%	6	0.1%
Other ¹⁸	27	1.0%	31	1.0%	21	0.6%
TOTAL	2,809	100%	3,134	100%	3,343	100%

Table 4: Total amount of financial assistance and legal costs awarded, 2005/06 – 2007/08

	2005-06		2006-07		2007-08	
Expenses already incurred / lump sum payments ¹⁹	\$22,524,312	83.5%	\$27,062,594	83.1%	\$28,737,988	80.2%
Authorised future expenses	\$4,448,761	16.5%	\$5,506,598	16.9%	\$7,087,131	19.8%
TOTAL	\$26,973,073	100%	\$32,569,192	100%	\$35,825,119	100%

¹⁸ The category of 'other' includes finalised applications for financial assistance where the Tribunal was satisfied that the applicant was a primary, secondary or related victim of an act of violence, however, financial assistance (other than that previously awarded on an interim basis) and costs was not awarded.

¹⁹ Category of 'expenses already incurred / lump sum payments' includes legal costs ordered to be paid to legal practitioners.

Table 5: Amount of financial assistance and legal costs awarded by type of assistance, for expenses already incurred and lump sum payments, 2007/08

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Special financial assistance	\$47,750	\$7,716,252	\$37,100	\$9,000	\$7,810,102	27.2%
Pain and suffering	-	\$70,000	-	-	\$70,000	0.2%
Distress	\$60,000	\$5,613,320	\$36,586	\$24,000	\$5,733,906	20.0%
Funeral expenses	\$449,476	\$94,357	\$609	-	\$544,442	1.9%
Loss of earnings	\$95,798	\$2,747,839	\$129,593	-	\$2,973,230	10.3%
Dependency	-	\$507	-	-	\$507	-
Loss / damage to clothing	\$4,552	\$138,908	\$2,691	-	\$146,151	0.5%
Counselling / psychological / psychiatric reports	\$397,104	\$710,030	\$68,766	\$484	\$1,176,384	4.1%
Counselling sessions	\$123,918	\$586,623	\$274,884	-	\$985,425	3.4%
Medical expenses	\$171,455	\$1,270,703	\$476,380	-	\$1,918,538	6.7%
Other expenses to assist recovery	\$76,164	\$3,347,904	\$659,394	\$248	\$4,083,710	14.2%
Legal costs (inc. disbursements)	-	\$3,212,447	-	\$12,198	\$3,224,645	11.2%
Costs	-	-	\$70,948	-	\$70,948	0.2%
TOTAL	\$1,426,217	\$25,508,890	\$1,756,952	\$45,930	\$28,737,988	100%

Table 6: Amount of financial assistance awarded as an authorised future expense, by type of assistance, 2007/08

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Counselling sessions	\$1,105,070	\$1,458,079	\$258,001	\$3,388	\$2,824,538	39.9%
Medical expenses	\$225,201	\$734,749	\$412,713	-	\$1,372,663	19.4%
Loss / damage to clothing	-	\$8,510	-	-	\$8,510	0.1%
Funeral expenses	\$7,972	\$5,590	-	-	\$13,562	0.2%
Other expenses	\$205,861	\$2,282,282	\$379,715	-	\$2,867,858	40.5%
TOTAL	\$1,544,104	\$4,489,210	\$1,050,429	\$3,388	\$7,087,131	100%

Table 7: Number of interim awards of financial assistance made for expenses already incurred, and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of interim financial assistance awarded for expenses already incurred	\$1,180,197	\$1,152,661	\$1,426,217
Number interim awards of financial assistance made for expenses already incurred	1,640	1,580	1,671
Average amount of interim financial assistance awarded for expenses already incurred	\$720	\$730	\$854

Table 8: Number of interim awards of financial assistance made authorising future expense, and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of interim financial assistance awarded for future expense	\$1,242,011	\$1,316,910	\$1,544,104
Number interim awards of financial assistance made authorising future expense	1,206	1,159	1,235
Average amount of future expense authorised by way of an interim award	\$1,030	\$1,136	\$1,250

Table 9: Number of final awards of financial assistance made for expenses already incurred and lump sum payments (excluding legal costs), and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance awarded for expenses already incurred and lump sum payments	\$16,597,202	\$20,603,376	\$22,296,443
Number of final awards made	2,809	3,134	3,343
Average amount of financial assistance awarded for expenses already incurred and lump sum payments	\$5,909	\$6,574	\$6,670

Table 10: Number of final awards of financial assistance made authorising future expense, and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance awarded for future expense upon determination of application	\$2,280,560	\$3,271,404	\$4,489,210
Number awards of financial assistance made authorising future expense	970	1,342	1,511
Average amount of future expense authorised upon determination of application	\$2,351	\$2,438	\$2,971

Table 11: Number of primary victim awards made, and amount of special financial assistance awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of special financial assistance awarded to primary victims on determination of application	\$5,955,000	\$6,785,505	\$7,716,252
Number of awards made to primary victims	2,332	2,451	2,768
Average amount of special financial assistance awarded to primary victims	\$2,554	\$2,768	\$2,788

Table 12: Number of related victim awards made, and amount of assistance awarded for distress, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance awarded to related victims for distress on determination of applications	\$4,205,720	\$5,927,844	\$5,613,320
Number of awards made to related victims	247	378	298
Average amount of financial assistance awarded for distress to related victims	\$17,027	\$15,682	\$18,837

Table 13: Amount awarded for legal costs on determination of application, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount awarded for legal costs on determination of application	\$2,284,721	\$2,834,519	\$3,212,447
Number of awards made	2,809	3,134	3,343
Average amount of legal costs awarded per award	\$813	\$904	\$961

Table 14: Number of awards of financial assistance varied for expenses already incurred, and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance awarded on variation for expenses already incurred	\$2,410,847	\$2,366,377	\$1,756,952
Number of awards varied for expenses already incurred	2,049	1,665	1,307
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,177	\$1,421	\$1,344

Table 15: Number of awards varied to authorise future expense, and amount awarded 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance for future expenses awarded on variation	\$913,371	\$912,974	\$1,050,429
Number of awards varied to authorise future expense	496	448	412
Average amount of financial assistance awarded on variation for future expenses	\$1,841	\$2,038	\$2,550

Table 16: Number of applications for review finalised at the Victorian Civil and Administrative Tribunal by outcome, 2005/06 – 2007/08

OUTCOME	2005-06		2006-07		2007-08	
Original order/award set aside and new award made on review	1	4.5%	4	13.8%	3	10.7%
Award / order varied on review	2	9.1%	5	17.2%	2	7.1%
Award affirmed on review	10	45.5%	2	6.9%	7	25.0%
Application for assistance remitted to original decision-maker for determination	-	-	2	6.9%	3	10.7%
Application for review dismissed	2	9.1%	2	6.9%	3	10.7%
Application for review struck out / withdrawn / abandoned	7	31.8%	14	48.3%	10	35.7%
TOTAL	22	100%	29	100%	28	100%

Table 17: Number of awards made or varied on review, and amount awarded, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
Amount of financial assistance awarded on review ²⁰	\$64,165	\$110,971	\$49,318
Number awards made or varied on review	3	9	5
Average amount of financial assistance awarded on review	\$21,388	\$12,330	\$9,864

²⁰ The amount of financial assistance awarded on review includes assistance awarded as an authorised future expense, which was not reported in previous reports.

Table 18: Amount of financial assistance awarded to applicants for psychological / psychiatric reports, 2005/06 – 2007/08

AWARD TYPE	2005-06	2006-07	2007-08
Interim award	\$283,063	\$311,889	\$397,104
Final award	\$555,441	\$658,086	\$710,030
Awarded on variation	\$111,249	\$99,516	\$68,766
Awarded on review	\$1,428	\$484	\$484
TOTAL	\$951,181	\$1,069,975	\$1,176,384

Table 19: Amount of financial assistance awarded to applicants for counselling sessions, 2005/06 – 2007/08

	2005-06	2006-07	2007-08
FINANCIAL ASSISTANCE AWARDED FOR COUNSELLING SESSIONS ALREADY PROVIDED			
Interim award	\$156,318	\$136,150	\$123,918
Final award	\$463,170	\$539,022	\$586,623
Awarded on variation	\$530,386	\$424,370	\$274,884
Awarded on review	-	-	-
SUB-TOTAL	\$1,149,873	\$1,099,542	\$985,425
FINANCIAL ASSISTANCE AWARDED FOR FUTURE COUNSELLING SESSIONS			
Interim award	\$1,037,474	\$1,014,442	\$1,105,070
Final award	\$942,842	\$1,354,102	\$1,458,079
Awarded on variation	\$450,400	\$356,478	\$258,001
Awarded on review	-	-	\$3,388
SUB-TOTAL	\$2,430,716	\$2,725,022	\$2,824,538
TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED FOR COUNSELLING SESSIONS			
Interim award	\$1,193,792	\$1,150,592	\$1,228,988
Final award	\$1,406,011	\$1,893,124	\$2,044,702
Awarded on variation	\$980,786	\$780,848	\$532,885
Awarded on review	-	-	\$3,388
TOTAL	\$3,580,589	\$3,824,564	\$3,809,963

Table 20: Tribunal region where application determined for awarded applicants, 2007/08

REGION	TRIBUNAL VENUES WITHIN REGION	NO. AWARDS MADE	DISTRIBUTION
Ballarat	Ararat, Ballarat, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell	142	4.2%
Bendigo	Bendigo, Echuca, Kerang, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill	202	6.0%
Broadmeadows	Broadmeadows, Castlemaine, Kyneton	267	8.0%
Dandenong	Dandenong	269	8.0%
Frankston	Dromana, Frankston	230	6.9%
Geelong	Colac, Geelong, Hamilton, Portland, Warrnambool	189	5.7%
Heidelberg	Heidelberg, Moonee Ponds, Preston	320	9.6%
Latrobe Valley	Bairnsdale, Korumburra, Sale, Latrobe Valley, Moe, Omeo, Orbost, Wonthaggi	144	4.3%
Melbourne	Melbourne, Moorabbin, Neighbourhood Justice Centre (Collingwood)	757	22.6%
Ringwood	Ringwood	323	9.7%
Shepparton	Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Shepparton, Wangaratta, Wodonga	143	4.3%
Sunshine	Bacchus Marsh, Sunshine, Werribee	357	10.7%
TOTAL		3,343	100%

Table 21: Age and gender of awarded applicants, 2007/08

AGE	AGE DISTRIBUTION BY GENDER			GENDER DISTRIBUTION BY AGE		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
0 – 18 years	22.4%	31.1%	26.8%	41.6%	58.4%	100%
19 – 25 years	21.4%	14.4%	17.9%	59.6%	40.4%	100%
26 – 35 years	20.1%	19.0%	19.6%	51.2%	48.8%	100%
36 – 60 years	31.4%	31.5%	31.4%	49.7%	50.3%	100%
61 years +	4.4%	3.9%	4.2%	52.9%	47.1%	100%
TOTAL	100%	100%	100%	49.8%	50.2%	100%

Table 22: Act of violence for awarded applicants by offence category and gender of victim, 2007/08 ²¹

OFFENCE CATEGORY	OFFENCE CATEGORY DISTRIBUTION BY VICTIM GENDER			VICTIM GENDER DISTRIBUTION BY OFFENCE CATEGORY		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
Homicide	10.5%	11.5%	11.0%	47.6%	52.4%	100%
Rape	0.7%	8.7%	4.7%	7.0%	93.0%	100%
Sex (non-Rape)	6.7%	25.4%	16.1%	20.6%	79.4%	100%
Robbery	5.5%	3.9%	4.7%	58.2%	41.8%	100%
Assault	69.6%	40.8%	55.1%	62.9%	37.7%	100%
Abduction / Kidnap	0.2%	0.6%	0.4%	23.1%	76.9%	100%
Criminal damage by fire	0.2%	0.2%	0.2%	57.1%	42.9%	100%
Burglary	3.7%	3.9%	3.8%	48.8%	51.2%	100%
Harassment	0.5%	2.7%	1.6%	14.8%	85.2%	100%
Other	2.4%	2.3%	2.3%	51.3%	48.7%	100%
TOTAL	100%	100%	100%	49.8%	50.2%	100%

²¹ The acts of violence for awarded applicants have been grouped according to the broad offence categories used by Victoria Police in reporting crime statistics.

Financial Statement

Financial Statement for year ending 30 June 2008 ²²

	NOTE	2007-08	2006-07
SPECIAL APPROPRIATIONS	1		
Salaries, Overtime and Annual Leave		\$1,180,493	\$1,017,686
Superannuation		\$98,528	\$88,195
Payroll Taxation		\$61,832	\$56,569
Provision for Long Service Leave		\$34,880	\$80,488
Work Cover Levy		\$7,381	\$17,014
Total Salaries and Associated Expenditure		\$1,383,114	\$1,259,952
OPERATING EXPENDITURE			
Travel and Personal Expenses		\$4,868	\$3,969
Printing, Stationery and Subscriptions		\$77,092	\$62,486
Postage and Communication		\$53,143	\$45,605
Contractors and Professional Services		\$162,483	\$146,690
Training and Development		\$32,406	\$10,360
Motor Vehicle Expenses		\$39,093	\$34,845
Operating Expenses		\$23,206	\$2,328
Witness Payments		\$714	\$759
Information Technology Costs		\$42,985	\$52,056
Rent and Property Services		\$125,571	\$98,693
Property Utilities		\$43,965	\$46,713
Repairs and Maintenance		\$33,262	\$26,337
Finance Lease Interest (including Bank Charges)		-	\$20
Total Operating Expenditure		\$638,788	\$530,861
TOTAL SALARIES AND OPERATING EXPENDITURE		\$2,021,902	\$1,790,813
SPECIAL APPROPRIATIONS			
Award payments	2	\$29,794,883	\$27,113,398
TOTAL		\$29,794,883	\$27,113.398

²² This financial statement is based upon financial data available as at 18 July 2008.

Notes to and forming part of the Financial Statement

Note 1

The special appropriation for the salaries and on-costs of tribunal members (magistrates) is reported in the annual report of the Magistrates' Court of Victoria for the year ending 30 June 2008.

Note 2

Award payments for the period are actual payments made for expenses and lump sum payments in the reporting period, and does not include awards made and expenses authorised that had not been paid as at 30 June 2008.

Tribunal Members

Directory of Tribunal Members in the year ending 30 June 2008

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Ms Felicity Anne Broughton

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
(to 13/7/07)

Mr Isaac Joseph Beder

Mr Ross Frederick Betts

Mr John Stephen Bentley

Ms Susan Adele Blashki

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Mr Gerard Robert Bryant

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke Cashmore

Ms Amanda Jane Chambers

Mr Brian Joseph Clifford

Mr Bernard Joseph Coburn (to 18/3/08)

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Ms Barbara Ann Cotterell (to 15/5/08)

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 Bernard Robert FitzGerald

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

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

Mr Maurice Gurvich

Mr Harley James Harber

Ms Margaret Gill Harding

Mr John William Hardy

Mr Thomas Kevin Hassard

Ms Annabel Mary Hawkins

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Ms Jacinta Mary Heffey

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

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

Mr Lance Ivan Martin

Ms Anne Jaenette Maughan (to 13/7/07)

Mr Timothy John McDonald (to 10/8/07)

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 Jane Marie Josephine Patrick
(to 15/4/08)

Ms Kim Michelle Willmott Parkinson

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 Rozencwajg
 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 (*to 10/6/08*)
 Mr Michael Henry Lewis Stone
 Ms Noreen Mary Toohey
 Ms Jennifer Beatrix Tregent
 Mr Ian Maxwell Von Einem
 Ms Susan Melissa Wakeling
 Ms Belinda Jane Wallington
 Mr Ian 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 Ehrlich
 Mr Timothy John McDonald
 (*from 15/04/08*)
 Mr James Stanislaus Mornane
 Mr Terry John Wilson
 Mr Lionel Cedric Winton-Smith

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MYRTLEFORD

Myrtle Street,
Myrtleford 3737
Ph: 5752 1868
Fax: 5752 1981

NHILL

110 MacPherson Street,
(C/- PO Box 111, Horsham 3400)
Ph: 5391 1207

OME0

Shire Offices,
Day Avenue, Omeo 3898
(C/- Box 367 Bairnsdale 3875)

ORBOST

Wolsley Street
Orbost 3888
(C/- Box 367 Bairnsdale 3875)
Ph: 5154 1328 - Court days only

OUYEN

Shire Offices,
Oke Street, Ouyen 3490
(C/-PO Box 5014 Mildura 3500)
Ph: 5023 0519

PORTLAND

67 Cliff Street,
PO Box 374
Portland 3305
Ph: 5523 1321
Fax: 5523 6143

PRESTON

Cnr. Rosebery Ave & Kelvin Grove,
PO Box 268
Preston 3072
Ph: 9470 2768
Fax: 9478 4957

RINGWOOD

Ringwood Street,
PO Box 333
Ringwood 3134
Ph: 9871 4444
Fax 9871 4463

ROBINVALE

George Street,
Robinvale 3549
(C/- Box 5014 Mildura 3500)
Ph: 5026 4567

SALE

Foster Street (Princess Highway)
PO Box 351
Sale 3850
Ph: 5144 2888
Fax: 5144 7954

SEYMOUR

Tallarook Street,
PO Box 235
Seymour 3660
Ph: 5735 0100
Fax: 5735 0101

SHEPPARTON

High Street,
PO Box 607
Shepparton 3630
Ph: 5821 4633
Fax: 5821 2374

ST ARNAUD

Napier Street
PO Box 17
St Arnaud 3478
Ph: 5495 1092

STAWELL

Patrick Street,
PO Box 179
Stawell 3380
Ph: 5358 1087

SUNSHINE

10 Foundry Rd,
PO Box 435
Sunshine 3020
Ph: 9300 6200
Fax: 9300 6269

SWAN HILL

Curlewis Street,
PO Box 512
Swan Hill 3585
Ph: 5032 1352
Fax: 5033 1955

WANGARATTA

Faithful Street,
PO Box 504
Wangaratta 3677
Ph: 5721 0900
Fax: 5721 5483

WARRNAMBOOL

218 Koroit St,
PO Box 244
Warrnambool 3280
Ph: 5564 1111
Fax: 5564 1100

WERRIBEE

Cnr Duncans Road & Salisbury Street,
PO Box 196
Werribee 3030
Ph: 9974 9300
Fax 9974 9301

WODONGA

5 Elgin Boulevard,
PO Box 50
Wodonga 3690
Ph: (02) 6043 7000
Fax: (02) 6043 7004

WONTHAGGI

Watt Street,
PO Box 104
Wonthaggi 3995
Ph: 5672 1071
Fax: 5672 4587

