



# **Victims of Crime Assistance Tribunal** 2010–11 Annual Report

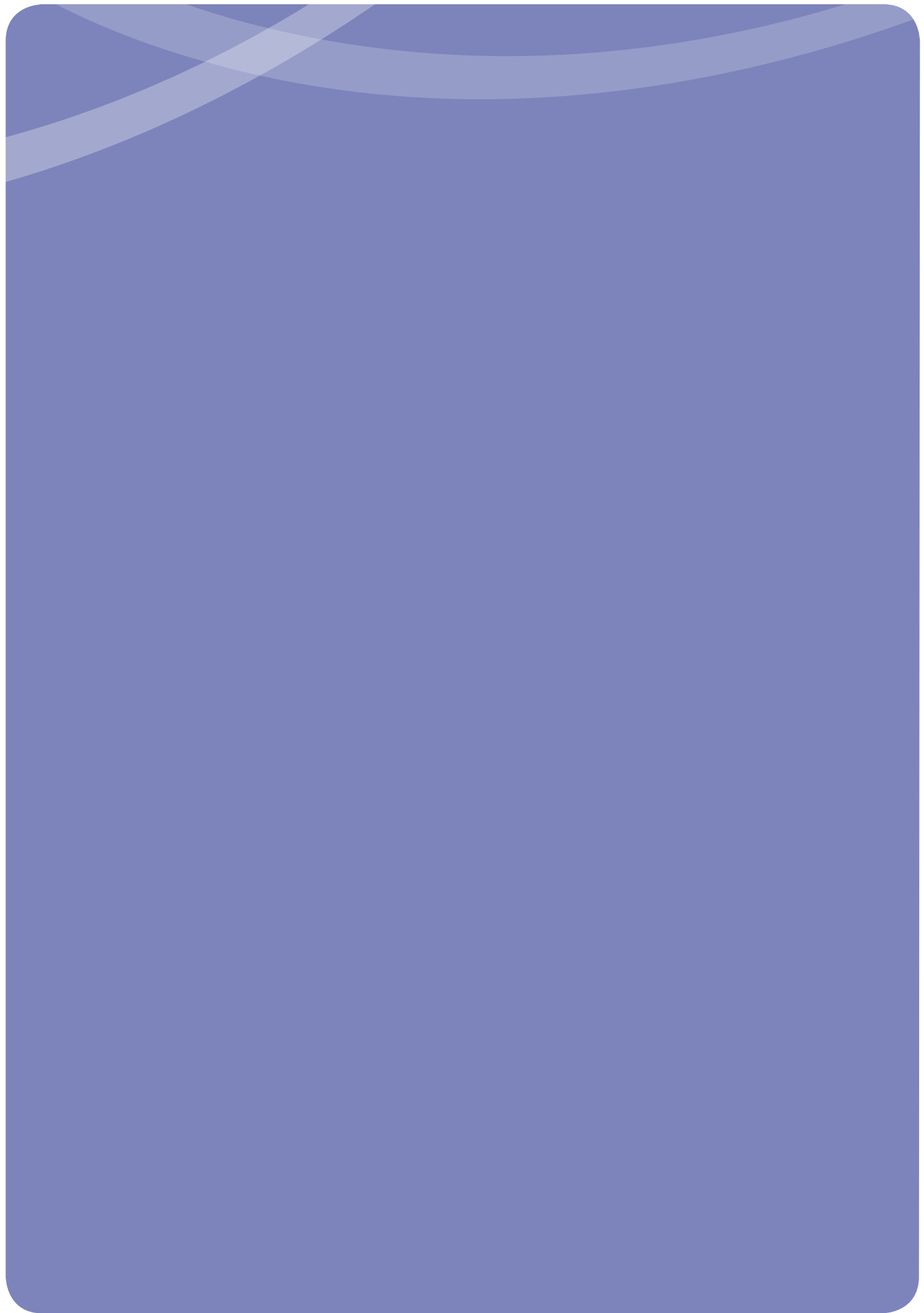




*Cover image: Magistrates Andrew Capell and Amanda Chambers,  
Joint Supervising Magistrates for the Victims of Crime Assistance Tribunal*

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# Letter to Minister

2 September 2011

The Honourable Robert Clark  
Attorney-General  
121 Exhibition Street  
Melbourne Vic 3000

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 2011.

The report sets out the Tribunal's powers, duties, performance and operations 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



It is with pleasure that I present this 2010/2011 Annual Report of the Victims of Crime Assistance Tribunal. The Tribunal's members and registry staff continue to meet high standards and demonstrate an ongoing commitment to assisting the victims of violent crime in

Victoria. The Tribunal continues to work to improve community awareness and accessibility to the Tribunal for victims of crime. In particular, the Tribunal's new website launched by the Attorney General in June 2011, aims to increase access to readily understood information regarding the Tribunal and its processes. The Tribunal acknowledges that the justice process can be confusing for victims of crime and continues to work with other community organisations in providing urgent and ongoing support to victims.

This is the sixth consecutive year the Victims of Crime Assistance Tribunal has reported an increase in the number of applications for financial assistance lodged in a single year. The increases have been significant over this period. To illustrate the point, in the year ending 30 June 2005 a total of 3,772 applications were received whereas in the year ending 30 June 2011, 6,275 applications were received: an increase of 66.36% over that six year period. As I indicated last year, this continuing trend presents ongoing challenges to the Tribunal in its operations.

In this context, it is a credit to the members of the Tribunal and registry staff that the number of applications finalised this year also grew in response to the increasing demand for financial assistance. In this year alone, the Tribunal awarded \$55 million in financial assistance to victims of crime and again, a record number of applications were finalised by the Tribunal.

Of these applications, the Tribunal is pleased to report that 150 applications arising from the 2009 Victorian Bushfires were finalised with the Tribunal awarding close to \$1 million in financial assistance and legal costs to assist victims of the Delburn and Churchill Complex fires. Not only was the Tribunal able to provide financial and other tangible assistance to victims but in the vast majority of cases, hearings were held at the request of applicants to give them an opportunity to recount their experiences leading up to and on Black Saturday and the impact of the fires on them and their families.

Many applicants expressed gratitude to the Tribunal for the opportunity to do so in an empathetic environment. I know the Tribunal members involved in these hearings found the experience of listening to these stories both a privilege and profoundly moving.

The Tribunal is acutely aware that delay discourages victims of crime and ultimately, undermines the effectiveness of the assistance and acknowledgment provided by the Tribunal's processes. For that reason, the Tribunal continues to examine its own practices and procedures to reduce impediments to victims in accessing timely assistance and to enhance consistency of outcomes. One such initiative is the legislative and rule changes that have been made to facilitate the delegation of certain of the Tribunal's functions to Judicial Registrars. The Tribunal anticipates Judicial Registrars will become an invaluable and increasing resource from early 2012.

However, the increasing demands on the resources of the Tribunal, including its physical environment, means that it is timely that the overall scheme of compensation for victims of crime be considered so these challenges can continue to be met into the future. As reported last year, the Tribunal's detailed response to the State Government's 2010 *Review of Victims of Crime Compensation: Sentencing Orders and State – Funded Awards* examined and responded to many of these issues. The Tribunal looks forward to the response of Government to its submissions.

The Tribunal continues to be actively involved in community engagement, education and training. It works closely with many community organisations and, in particular, acknowledges the contribution to its effective operations made by Victoria Police, community legal services, private legal practitioners and the Victims Support Agency, to name a few.

I commend and thank the senior registrars and magistrates who work collaboratively to oversee the operations of the Tribunal through the VOCAT Coordinating Committee. In particular, I wish to acknowledge the significant contribution made to the management of the Tribunal by Samantha Adrichem, Principal Registrar of the Tribunal between March 2007 and May 2011. A specific thankyou as well to joint Supervising Magistrates, Amanda Chambers and Andrew Capell for their hard work and dedication. Finally, the work of the Tribunal is both challenging and rewarding and I thank all of the registrars and magistrates who undertake this work with extraordinary professionalism, diligence and genuine empathy.

# Introduction

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

## What we do

The Tribunal hears and determines applications for financial assistance by victims of violent crime committed in Victoria. The Tribunal assists victims of crime in their recovery by paying for expenses that they have incurred, or are likely to incur in the future, as a direct result of the crime.

The Tribunal can make awards of financial assistance to victims of crime to cover the reasonable costs of counselling, medical expenses and safety-related expenses<sup>1</sup>, loss of or damage to clothing worn at the time of the crime, loss of earnings, and in exceptional circumstances other expenses that will assist a victim in their recovery from a violent crime.

The Tribunal may also make a lump sum payment of financial assistance to certain victims of crime (for special financial assistance and distress) as a symbolic expression by the State of the community's sympathy and condolence for, and recognition of the significant adverse effects experienced or suffered by them as victims of crime.

## Who we are

Applications for financial assistance are determined by tribunal members, who are also magistrates within the Magistrates' Court of Victoria. The Tribunal's administration is supported by registrars and finance officers. Refer to pages 9 and 11 for further information about our tribunal members and staff.

## Where we are

The Tribunal operates from every venue of the Magistrates' Court of Victoria (54 locations throughout Victoria), which means that it is physically very accessible to applicants. Refer to page 54 for the location and contact details of all Tribunal venues.

## Statistical snapshot

Since its establishment on 1 July 1997, the Tribunal has received 56,610 applications for financial assistance, and awarded \$455 million to victims of crime by way of 45,727 awards of financial assistance, and thousands of awards of interim financial assistance.

In the year ending 30 June 2011:

- 6,275 applications for financial assistance were lodged – the highest number in a single year since the Tribunal commenced on 1 July 1997
- 6,370 applications for financial assistance were finalised
- \$55 million in financial assistance was awarded
- 2,092 interim awards of financial assistance were made pending the final determination of applications for assistance
- 4,891 awards of financial assistance were made on the final determination of applications – where an award was not made, the application was usually withdrawn by the applicant or struckout by the Tribunal rather than refused
- 1,519 final awards of financial assistance were made following a hearing.

Refer to our statistical report on page 29 for more detailed information about the outcome of applications for financial assistance, and the amount of financial assistance awarded.

<sup>1</sup> From 1 July 2010, the *Victims of Crime Assistance Act 1996* includes a category of financial assistance for safety-related expenses incurred, or reasonably likely to be incurred in the future, by a primary victim as a direct result of a crime. See section 8(2)(e) of the Act.

## Increasing demand and financial assistance awarded

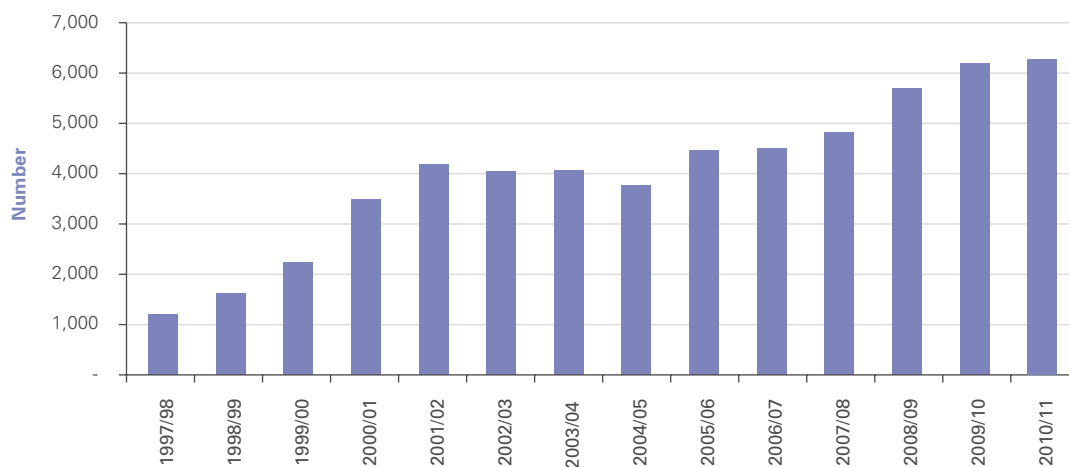
Demand for financial assistance from victims of crime increased almost every year since the Tribunal commenced on 1 July 1997 (see Chart 1).

The number of applications for financial assistance finalised annually has grown in response to the increasing demand for financial assistance from the Tribunal. In the year ending 30 June 2011, the Tribunal made the highest number of awards under the *Victims of Crime Assistance Act 1996* in a single year since it commenced (see Chart 2).

The amount of financial assistance awarded under the *Victims of Crime Assistance Act 1996* increased almost each year since the Tribunal commenced on 1 July 1997, and is consistent with the increase in the number of awards of financial assistance made each year (see Chart 3).

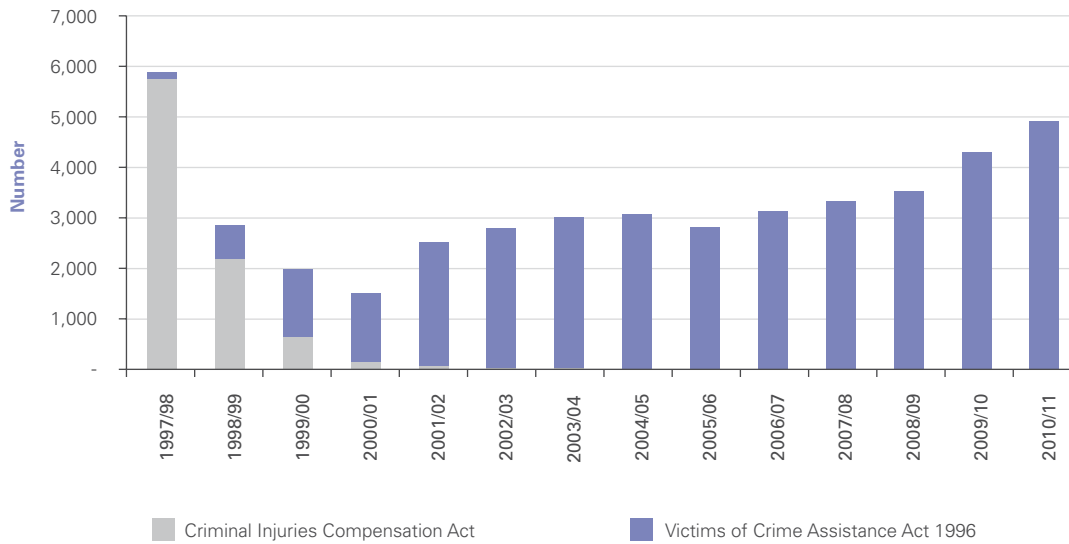
Despite the increasing amount of financial assistance awarded by the Tribunal most years since it commenced in July 1997, the average amount of assistance awarded to applicants each year has remained remarkably consistent, with a slight decrease in the year under review (see Chart 4).

**Chart 1: Number of applications for financial assistance lodged annually, 1997/98 – 2010/11**

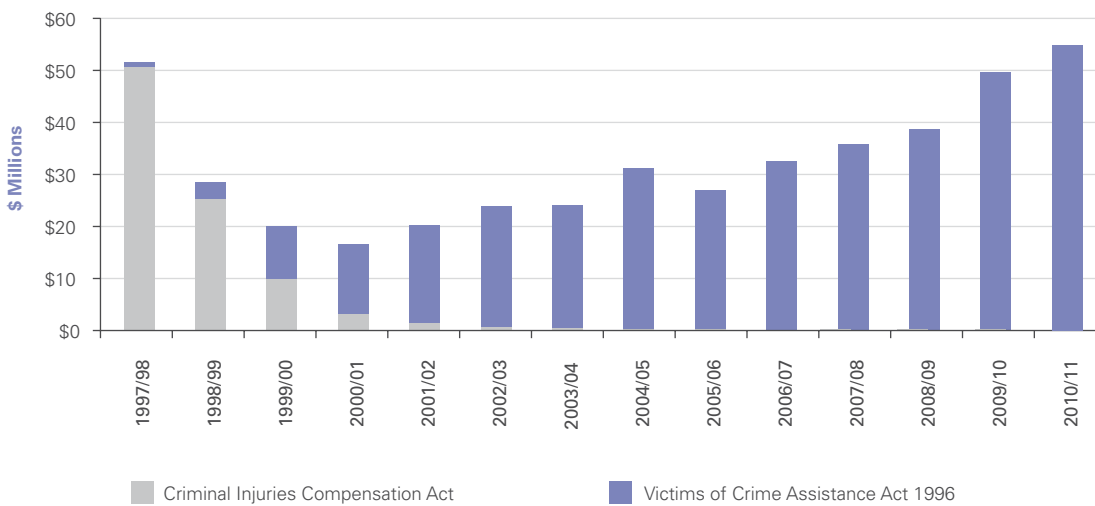




**Chart 2: Number of awards made annually by legislative scheme, 1997/98 – 2010/11**



**Chart 3: Total amount of financial assistance awarded and legal costs ordered annually by legislative scheme, 1997/98 – 2010/11**



**Chart 4: Average amount of financial assistance awarded under *Victims of Crime Assistance Act 1996* on determination of applications, 1997/98 – 2010/11**



# Our Tribunal Members

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## 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.

In the year ending 30 June 2011, there were 111 magistrates and 11 acting magistrates who were members of the Tribunal.

## Chief Magistrate's role

In addition to being a tribunal member, the Chief Magistrate is responsible for the arrangement of the business of the Tribunal and may give directions in respect of its operating procedures and practices.

The Chief Magistrate may delegate to judicial registrars (from 1 July 2010), the Principal Registrar and registrars of the Tribunal certain powers under the *Victims of Crime Assistance Act 1996*.

## The role of a tribunal member

Tribunal members determine who is eligible to receive financial assistance from the Tribunal, and the nature of the financial assistance that they are entitled to, in accordance with the requirements of the *Victims of Crime Assistance Act 1996*. Tribunal members are required to fulfil the objectives of the Act by awarding financial assistance that will assist a victim of crime in their recovery, and to acknowledge the victim and their experience.

Tribunal members have a lot of contact with registrars, providing guidance to them regarding the preparation of an application for financial assistance.



## Supervising Magistrates

A Supervising Magistrate for the Tribunal is appointed by the Chief Magistrate. Magistrates Amanda Chambers and Andrew Capell have jointly held this position since January 2011.

The role of the supervising magistrates includes liaison between the registry and tribunal members; encouraging consistent practices across regions; disseminating information about legislative and procedural changes within the Tribunal; chairing the Tribunal's Coordinating Committee meetings; advising the Chief Magistrate on rules, practice directions and other issues relating to the Tribunal; liaising with the Victim Support Agency and victim support services; and participating in community education programs.



*From left: Magistrates Amanda Chambers and Andrew Capell, Joint Supervising Magistrates for the Tribunal*

# Our Staff

The Tribunal is supported by a Principal Registrar, a Standards and Compliance Officer, registrars and administrative staff across 54 venues throughout Victoria. In this section of the report we explain the role of a registrar, and our staffing arrangements.

## The role of a registrar

Registrars perform an important role within the Tribunal, and undertake much of the preparatory work required in advance of an application for financial assistance being determined, working closely with tribunal members.

Registrars provide advice and support to applicants in the course of lodging an application for financial assistance, preparing applications for determination, and in applying to vary an award of financial assistance.

The work undertaken by registrars includes obtaining and reading information provided by police regarding the circumstances of an alleged offence; obtaining and reading psychological reports, medical reports and hospital records;

obtaining criminal history information and the outcome of criminal prosecutions; ensuring that appropriate documentation has been filed in support of an application for financial assistance (for example, that the statement of claim is correctly completed and supported by invoices, receipts or quotes); arranging for awards of financial assistance to be paid; and providing administrative support in relation to applications for the variation of awards.

Registrars also consider and determine applications for interim financial assistance. Following an increase in the amount of financial assistance that may be awarded by a registrar from \$1,000 to \$5,000 in September 2008, registrars now determine approximately half of all the applications for interim financial assistance that are made pending the final determination of an application for financial assistance.



*"Being a VOCAT Registrar can be a challenging role. It requires you to make decisions that effect people and to use your delegated powers to provide assistance. It also requires you to deal directly with people who have been significantly effected by violent crimes. When a victim gives you a heartfelt thankyou, not just for processing their award, but for just being an ear at the end of the phone who listened and patiently explained procedure, those are the days when you feel that what we do can actually make a difference in someone's life.*

Tribunal Registrar

All registrars of the Magistrates' Court of Victorian Public Service Grade 3 and above, are registrars of the Tribunal. Registrars are rotated through the various jurisdictions at court venues so that they develop knowledge and skills relevant to each jurisdiction of the Magistrates' Court, and the other courts and tribunals operating at court venues.

At major venues, registrars generally perform duties within the Tribunal for a period of six to 12 months. As the relevant legislation is complex, and it takes time and experience for a registrar to develop expertise in this area, the Tribunal is greatly assisted by registrars being allocated to perform Tribunal duties for extended periods. The Tribunal is also assisted by registrars having knowledge of and experience in a diverse range of jurisdictions at each court venue, as they develop a unique understanding of the justice system, which is relevant to the management and determination of applications for financial assistance, and contributes to the Tribunal's efficiency.

## Number of staff funded by the Tribunal

At 30 June 2011, the Tribunal funded 24.4 full-time registry positions across Victoria, and was further supported by registrars and administrative staff within the Magistrates' Court.

The Tribunal's principal registry in Melbourne is staffed by the Principal Registrar, a Standards and Compliance Officer, a Registry Manager, seven registrars (6.8 full-time equivalents), two trainee registrars and one finance officer.

The Tribunal funds one full-time registrar position at each of the following metropolitan and regional venues of the Magistrates' Court: Ballarat, Bendigo, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Latrobe Valley, Moorabbin, Ringwood, Shepparton, and Sunshine. Although one position is funded at each venue, additional support is provided by registrars and finance officers funded from the Magistrates' Court operating budget.

While the Tribunal funds one Registrar position at a number of different metropolitan and regional court venues, the positions are usually filled on a rotating basis at each venue by one of a number of staff holding the position of Registrar at those venues, usually for a period of 6 to 12 months.

All staff supporting the operation of the Tribunal are accountable through their respective regional managers to the Chief Executive Officer of the Magistrates' Court of Victoria.

*"Working within the Victims of Crime Assistance Tribunal is a very rewarding position. Knowing that your hard work and dedication goes directly to assisting victims recover from the effects of a crime is very satisfying."*

Tribunal Registrar



# Our Coordinating Committee

In this section of the report we present information about the composition and role of the Tribunal's Coordinating Committee, and the issues considered and activities of the committee throughout the reporting period.

## Committee role

A Coordinating Committee, comprising the Tribunal's Supervising Magistrates, tribunal members and registry staff, meets regularly to consider and discuss issues relevant to the Tribunal.

## Committee members

Supervising Magistrates Amanda Chambers (Chair) and Andrew Capell, Deputy Chief Magistrates Dan Muling and Felicity Broughton, Magistrates Susan Wakeling, David Fanning, Cathy Lamble, Duncan Reynolds, Luisa Bazzani, Ann Collins, Tony Parsons and Jo Metcalfe. Registry staff were represented by Samantha Adrichem (Principal Registrar), Donna Caruana (Standards and Compliance Officer), Kate Salter (Registry Manager) and Sandra Tennant (Acting Registry Manager).

## Committee activity

The Committee met on a monthly basis over the reporting period and considered a range of issues, including:

- consideration of the recommendations contained in the *Framework Report – Reviewing Victims of Crime Compensation* prepared by the Department of Justice (DOJ) in response to the Victims Compensation Review to which the Tribunal and the Magistrates' Court of Victoria made a joint submission, and ongoing participation on the Review Steering Committee and Reference Group. Upon the election of the new government, the DOJ advised it is awaiting further direction from the Attorney General
- the Tribunal's management of, and response to, applications for financial assistance arising from the 2009 Victorian Bushfires. The Delburn & Churchill hearings were conducted by Tribunal Members Wakeling and Chambers in October/November 2010, with the majority of applications finalised. The Committee acknowledges the commitment and support of the Melbourne Registry and the La Trobe Valley Court where the hearings were conducted
- oversight of preparation for the hearing of applications for assistance arising from the Murrindindi Bushfires, of which there are in excess of three hundred applications. These hearings, initially scheduled by the Tribunal for August/September 2011, have been deferred subsequent to advice received from Victoria Police in June 2011 that due to fresh evidence, it no longer considers the fire was caused by a criminal act. Phoenix Taskforce's advice to the Tribunal is that, whilst its investigation is ongoing, it is no longer of a criminal nature and that an inquest brief is to be prepared for the State Coroner. In the circumstances, the Tribunal considers it appropriate that it await the outcome of the coronial process before finally determining the applications for assistance. The applicants have been advised of the status of the police investigation and have been referred to appropriate counselling services in the interim
- consideration of the Victims of Crime Assistance Rules 2010 made consequent upon the amendments to the *Victims of Crime Assistance Act* to enable delegation to Judicial Registrars; liaison with DOJ regarding a bid for additional Judicial Registrar resources and the creation of a subcommittee to consider and implement the delegation of Tribunal functions to Judicial Registrars
- the ongoing operation and oversight of the Koori VOCAT List and endorsement of a proposal to pursue funding for a Koori VOCAT Liaison Officer
- redevelopment of the Tribunals website located at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au), including relevant review cases. The website was launched by the Attorney General on 22 June, 2011
- reviewing and distributing to Tribunal members the outcome of applications to the Victorian Civil and Administrative Tribunal (VCAT) for the review of Tribunal decisions, and to the Supreme Court of Victoria in the matter of *BvB*

- reviewing and considering the issues raised by system deficiencies in the regulation of counselling services provided to victims of crime. Ongoing liaison with DOJ in respect of this issue and particular instances of concerning practice by private practitioners. Consideration of the Victim Support Agency Analysis of Counselling for Victims of Crime report
- development of new and amended Guidelines and a Practice Direction issued by the Chief Magistrate in relation to:
  1. Financial Assistance for Funeral Expenses – Guideline 1 of 2010
  2. Awards of Assistance for Travel Expenses – Practice Direction 1 of 2011
  3. Costs Guideline – Guideline 1 of 2011
- identifying relevant content for inclusion in training and professional development events for magistrates and registrars
- monitoring statistical information across venues regarding the increasing number of applications for assistance lodged and determined, awards of assistance made (including interim awards, particularly by registrars), and the amount of assistance awarded.

Members of the Committee participated in:

- the provision of training to magistrates through small group training sessions, and by addressing magistrates at a professional development conference
- the 2010 registry conference, an annual training event for registrars and administrative staff from across Victoria
- a training Seminar conducted for VOCAT practitioners at Leo Cussen Institute
- a training Seminar conducted for staff of the Child Witness Service
- attending Sisters Day Out, Warrnambool
- a training Seminar conducted for practitioners at the AFVP&LS
- liaison with Victoria Police to further facilitate Tribunal access to accurate and timely police information
- meeting with representatives of ACRATH and Project Respect and DOJ in respect of applications for assistance arising out of the trafficking of women
- professional development and information sessions for staff of the Victims Assistance and Counselling Program, Victims of Crime Helpline (Department of Justice), the Witness Assistance Service within the Office of Public Prosecutions
- providing information about the Tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week 2011
- facilitating legal information sessions to the Victorian Bar, Law Institute Victoria
- regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime.



# Our Activities and Achievements

In this section of the report we present information about the Tribunal's activities and achievements during the reporting period that are additional to the determination of applications for financial assistance.

## Legislative amendment

*The Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010* amended the *Victims of Crime Assistance Act 1996* to enable the Chief Magistrate to delegate powers of the Tribunal to judicial registrars, and provide for a category of financial assistance for reasonable safety-related expenses. These amendments took effect from 1 July 2010.

The Victims of Crime Assistance Rules 2010 commenced in September 2010. New Rules made included the provision of an Indigenous Identifier question and a category of assistance for safety-related expenses on the *Application for Assistance* form and to set out procedure for review of Judicial Registrar decisions.

## Judicial registrars

The ability of the Chief Magistrate to delegate powers under the *Victims of Crime Assistance Act 1996* to judicial registrars creates the potential for the Tribunal to respond to increasing demand for financial assistance, and increase the capacity of tribunal members to address the more complex applications for financial assistance, conduct hearings, and deal with additional matters within the Magistrates' Court of Victoria. A sub-committee of the VOCAT Coordinating Committee, including Judicial Registrars, has been established to consider the extent of any delegation of powers that is appropriate and to oversee implementation of the delegation of functions and powers to Judicial Registrars, including necessary training, Courtlink changes and resourcing issues.

## Financial assistance for safety-related expenses

From 1 July 2010, the *Victims of Crime Assistance Act 1996* includes a category of financial assistance for safety-related expenses actually and reasonably incurred, or reasonably likely to be incurred in the future, by a primary victim as a direct result of an act of violence committed against them (see section 8(2)(4) of the Act). This means that the Tribunal may award financial assistance for reasonable safety-related expenses without requiring exceptional circumstances to be established pursuant to section 8(3) of the Act.

This amendment enables the Tribunal to respond more quickly and effectively to victims of family violence who attend at the Magistrates' Court of Victoria to apply for an intervention order. Some of the people for whom such orders are made are at risk of further violence and require additional assistance regarding their security, such as changing the locks or installing a security alarm at their home. In other circumstances, a person may feel that there is no alternative but to leave their home and incur expenses for the relocation or alternative accommodation. In the year under review the Tribunal awarded \$1,619,364 in safety related expenses.

## Department of Justice

The Tribunal continued to meet regularly with representatives of the Department of Justice throughout the reporting period, in particular with staff from Criminal Law Policy and the Courts and Tribunal's Unit regarding the Victims Compensation Review, legislative amendment and procedural issues; and the Victims Support Agency to discuss issues relating to support for victims of crime, the Victims Assistance and Counselling Program and participation in community engagement forums.

## Applications for assistance arising from major incidents

The Tribunal continued to manage applications for financial assistance arising from major incidents from its principal registry in Melbourne to ensure a consistent and coordinated approach to all applications arising from a major incident.

Applications for assistance managed in this manner over the reporting period were those that arose from the Victorian bushfires in February 2009 and applications for financial assistance arising from sexual offences alleged to have been committed against multiple applicants by the same offender.

### Applications arising from the 2009 Victorian Bushfires

At 30 June 2011, the Tribunal had received 487 applications for financial assistance arising from the 2009 Victorian bushfires, of which 150 applications had been finalised. The majority of applications for financial assistance lodged in relation to the bushfires are made by people claiming assistance as primary victims, followed by those claiming assistance as related victims. The majority of applications arising from the Churchill and Delburn Complex fires were finalised in late 2010, with the Tribunal awarding \$982,783 in financial assistance and legal costs.

The Tribunal was advised by Victoria Police in June 2011 that fresh material obtained as a result of their ongoing investigation would suggest that the Murrindindi fire was not as a result of a criminal act. Victoria Police now advises that its investigation, although ongoing, is no longer of a criminal nature. Phoenix Taskforce intends to present all evidence to the State Coroner through an inquest brief to be filed with the Coroner in the near future.

Given this change in circumstances, the Tribunal considers it would now be inappropriate to conduct hearings to determine the applications for assistance whilst the question of the cause of the Murrindindi fire is the subject of consideration by the State Coroner. Accordingly, the Tribunal has deferred the further consideration of the applications pending the outcome of the Coroner's process and applicants have been advised by the Tribunal of the ongoing psychological assistance provided through the Bushfire Relief Fund should they require assistance with grief and distress in the interim.

## Interim awards of financial assistance

The ability to make interim awards of financial assistance pending the final determination of an application for financial assistance is an important power of the Tribunal. It enables the Tribunal to respond quickly to assist victims of crime in their recovery from an act of violence pending the final determination of their application, particularly those victims who present with urgent needs.

Since 2004, registrars have had delegated authority to make interim awards of financial assistance in some circumstances. The maximum cumulative amount of interim assistance that registrars could award was set at \$1,000, however, increased to \$5,000 in September 2008.<sup>2</sup>

As a result of the increased delegation, registrars made 51 per cent of all interim awards of assistance in the year ending 30 June 2011, which is consistent with the previous year. This has resulted in a significant reduction in the number of applications for interim financial assistance referred to tribunal members.

The increase in delegation allows registrars to determine a greater number of applications for interim financial assistance, reduces the time taken to determine applications for interim awards of assistance, increases capacity for tribunal members to deal with the substantive applications, and reduces administrative costs.

## Koori VOCAT List

The Koori VOCAT List commenced as a three-year pilot from 1 July 2006. Since the conclusion of the pilot period, the Tribunal has received ongoing funding for the position of Koori VOCAT List Registrar, enabling the List to operate as an ongoing part of the Tribunal's operations. Central to the success of the List has been the commitment of a small number of tribunal members and the Koori VOCAT List Registrar, who have intensively case managed applications within the List.

The List has enabled the Tribunal to address the issue of Koori engagement and improve its responsiveness to Koori victims of crime. However, the List is highly resource intensive for tribunal members and registry staff.

<sup>2</sup> On 24 September 2008, the Chief Magistrate issued an Instrument of Delegation in which he delegated to registrars the power to hear and determine applications for interim financial assistance up to a cumulative maximum of \$5,000.

*"My work in the Koori VOCAT List has given me an insight into the overwhelming experience of grief and loss in the Koori community. It has been immensely rewarding to be able, through the Tribunal process, to acknowledge this pain and to provide meaningful assistance to Koori victims of crime. The flexible and relatively informal hearings which take place in the List allow for a much better understanding of an applicant's circumstances."*

Tribunal Member

### Koori List Statistical report

Since commencement of the List on 1 July 2006, the number of applications for financial assistance by Koori victims of crime has remained stable each year (approximately 145 applications), case processing times have decreased, and the proportion of applications that resulted in an award of financial assistance being made is consistent with non-Koori applicants.

Since 1 July 2006, there have been 751 applications for financial assistance in the List, of which 566 have been finalised (clearance rate of 75 per cent). Of all the applications for financial assistance lodged with the Tribunal since July 2006, 2.7 per cent identified as being Aboriginal and/or Torres Strait Islander (and therefore within the List).

Of the applications finalised since commencement of the List, an award of financial assistance was made to 77 per cent of applicants, which is consistent with the outcome for non-Koori applications finalised over the same period. The proportion of applications that were refused was slightly lower within the List (1.8 per cent, compared to 2.4 per cent for non-Koori List applications). The balance of applications within each applicant group were either withdrawn or struck out.

## Training and support

The Tribunal has put a lot of effort into improving training and support to registrars and magistrates performing Tribunal duties. This has been done with the aim of strengthening accuracy and consistency in decision-making and administrative practices across all Tribunal venues.

### Professional development and training for tribunal members

To maximise and promote consistency in decision-making and administrative practice, the Tribunal's Supervising Magistrates deliver information sessions on the *Victims of Crime Assistance Act 1996* and Tribunal procedures to newly appointed magistrates, and regular ongoing professional development sessions to all tribunal members. Tribunal members are also supported in the jurisdiction by the *VOCAT Handbook* and the published Practice Directions and Guidelines of the Tribunal.

### Registry conference

The annual registry conference was held in October 2010 for staff supporting the operation of the Tribunal across Victoria. The conference focused on registry activities and practices and decision-making by registrars, particularly in relation to determining applications for interim financial assistance. The conference aims to promote consistency in decision-making and administrative practice within registries across all Tribunal venues. Following attendance at the conference, registrars reported that they had a better understanding of the role of the Tribunal, the role of a registrar in assisting victims of crime in their recovery, and legislative and procedural requirements.



## Review of practice directions and guidelines

To support consistency across venues, the Chief Magistrate issues Practice Directions and Guidelines governing a wide range of the Tribunal's practices and procedures. The Tribunal's Coordinating Committee regularly reviews the Practice Directions, and makes recommendations to the Chief Magistrate for the issue of new Practice Directions where considered necessary.<sup>3</sup>

In September 2010, the Chief Magistrate issued *Guideline 1 of 2010 – Financial Assistance for Funeral Expenses*, which assists in determining the reasonableness of an application for financial assistance for funeral expenses.

In January 2011, the Chief Magistrate issued *Practice Direction 1 of 2011 – Awards of assistance for travel expenses* to fix a per kilometre rate at which the Tribunal may reimburse an applicant for travel expenses necessarily incurred by an applicant, for instance to attend medical and counselling appointments.

In June 2011, the Chief Magistrate issued *Guideline 1 of 2011 – Cost Guideline*, which replaced *Guideline 1 of 2007* as an aid to the exercise of the costs discretion given under section 48 of the *Victims of Crime Assistance Act 1996* in relation to legal costs.

## Legal and community education and engagement

Tribunal members and registry staff continued to engage in legal and community education and engagement activities throughout the reporting period, including:

- Principal Registrar Samantha Adrichem, and Registrars Kate Walker, Emily Pearson, Peta Dunt and Elisa Berry attended the Northern Victim Assistance and Counselling Program Solicitor Forum in July 2010
- Samantha Adrichem and Supervising Magistrate Amanda Chambers presented about the Tribunal and the justice system at a Victim Assistance Counselling Program training day in August 2010
- Supervising Magistrate Amanda Chambers and Samantha Adrichem delivered a VOCAT seminar to practitioners hosted by the Leo Cussen institute
- participating in continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program, Victims of Crime Helpline (Department of Justice), and the Witness Assistance Service within the Office of Public Prosecutions

- Standards and Compliance Officer, Donna Caruana provided information about the Tribunal to members of various CALD communities at community engagement forums organised by the Victim Support Agency
- the Koori List registrar participating in the Hume RAJAC meeting in Shepparton to present on the Koori VOCAT List
- Magistrate Brian Wright presented a lecture on the *Victims of Crime Assistance Act 1996* and Tribunal procedures to the Victorian Bar and a Law Institute Seminar in August 2010
- Tribunal staff held an information session about the Tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week in May 2011.

## Applications for review of decisions

The Tribunal, as primary decision-maker, will actively participate in the review of its decisions at the Victorian Civil and Administrative Tribunal (VCAT), and will usually engage the Victorian Government Solicitor's Office (VGSO) to represent it at VCAT. The Tribunal engaged the VGSO in each application for review made to VCAT in the year under review.

## Appeals to the Supreme Court of Victoria

The Tribunal, as primary decision-maker, participated in one proceeding in the Supreme Court of Victoria in the year under review. The Tribunal was legally represented by the Victorian Government Solicitors office in this proceeding. This case, *BVB v Victims of Crime Assistance Tribunal* [2010 VSC 57] involved consideration of whether instances of school yard bullying could constitute a criminal act for the purposes of the *Victims of Crime Assistance Act 1996*. The Supreme Court found that, in the circumstances of this case, there was sufficient evidence to base a finding that an act of violence occurred and awarded assistance to the applicant child.

## Counsel assisting the Tribunal

The Tribunal may engage counsel to assist it with respect to an application for assistance. In the year under review, counsel was engaged to assist the Tribunal in seven applications for assistance.

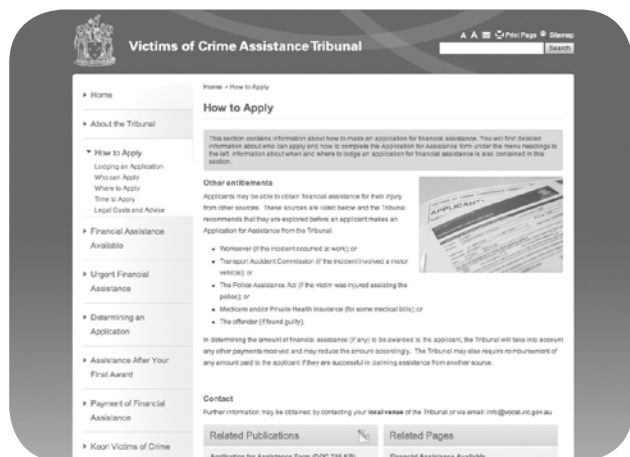
<sup>3</sup> See sections 45 and 58 of the *Victims of Crime Assistance Act 1996*.



## Website

The Tribunal maintains a website at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au). The website contains information about Tribunal procedures, forms, practice directions, publications (such as annual reports and brochures) and information sheets.

In the year under review, the website was visited by 23,327 unique browsers, compared to 22,418 in the previous year (an increase of 4 per cent). As with the previous year, the publication/form most commonly downloaded from the website was the Application for Assistance form (4,835 downloads, compared to 4,409 in the previous year – an increase of 10 per cent).



## Website Redevelopment

In June 2011 the Attorney General Robert Clark officially launched the Tribunal's newly redeveloped website at an event hosted by the Chief Magistrate.

Over time, the Tribunal's former website had been expanded in an attempt to improve the quality of content and align with the layout and navigation of the Magistrates' Court Website. However, it had reached a point where a further redevelopment was required to improve the usability and functionality of the site and ultimately improve the online service that the Tribunal provides to key stakeholders.

In line with the Magistrates' Court strategic objectives to deliver a first class service and do business simpler, faster and consistently, the Tribunal commenced its website redevelopment in October 2010.

The Tribunal's newly developed website has allowed for more flexible presentation of corporate information and engagement of users and is better aligned to the branding developed by the Tribunal for all external communications. The improved usability of the site has increased access to the justice system and the online sharing and exchange of information relating to Tribunal practices, procedures and initiatives with a view to encouraging greater use of the internet as an educational and communicational tool.

## Ongoing development of new case management system

The Integrated Courts Management System (ICMS) program comprises a number of projects designed to modernise Victorian courts and tribunals by introducing new technology, including the introduction of a new case management system and the provision of eServices across all jurisdictions.

The new case management system will replace the Courtlink database, the case management system currently used by the Tribunal, and is expected to assist in improving registry processes, forms and correspondence, and support advanced statistical analysis, and file tracking and management.

Although the new system is not scheduled to be implemented within the Tribunal for some time, the Principal Registrar, Standards and Compliance Officer, tribunal members and registry staff continue to contribute to its development as the design and structure of the common system and implementation issues are relevant to all jurisdictions.

# How to apply for financial assistance

In this section of the report we present information about how to apply for financial assistance from the Tribunal, and who is eligible for an award of financial assistance.

## How to apply for financial assistance

An application to the Tribunal for financial assistance must be made in writing, by completing and lodging an *Application for Assistance* form. Application forms may be downloaded from the Tribunal's website at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au), or obtained from any venue of the Magistrates' Court of Victoria. There is no fee associated with lodging an application for financial assistance with the Tribunal.

## When application is to be lodged

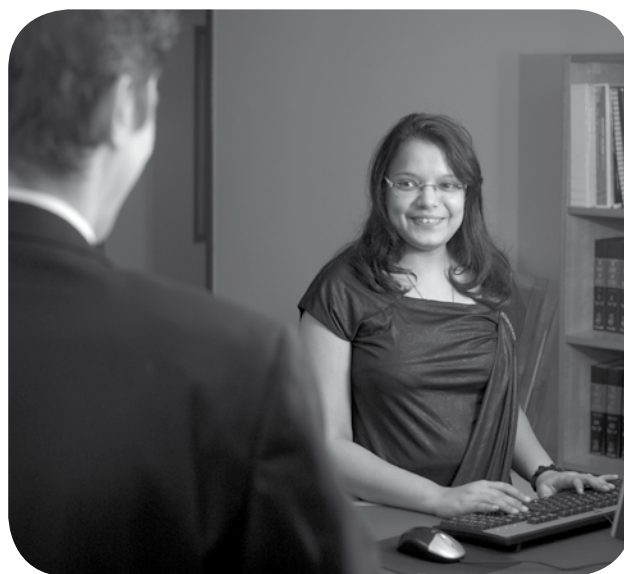
Applications for financial assistance must be lodged within two years of the violent crime occurring, unless the Tribunal considers that this time should be extended. In considering whether the time for lodgement should be extended, the Tribunal will consider issues such as the age of the applicant when the crime occurred; whether the applicant is intellectually disabled or mentally ill; or whether the person who committed the crime was in a position of power, influence or trust in relation to the applicant.

## Where to lodge an application

Applications for financial assistance can usually be lodged at the venue closest to the applicant's place of residence. An application must be lodged at Melbourne if the application relates to the death of a person; the applicant resides outside of Victoria; the applicant identifies as Aboriginal or Torres Strait Islander (for inclusion in the Koori VOCAT List); or the application arises from the 2009 Victorian bushfires.

## Who is eligible for financial assistance from the Tribunal?

The Tribunal may only award financial assistance to primary victims, secondary victims, and related victims of a violent crime, or people who are not related victims but who have incurred funeral expenses as a result of the death of a primary victim.



**Primary victims** are people who are injured or die as a direct result of a violent crime committed against them; or people who are injured or die as a result of trying to assist a victim of a violent crime, or trying to prevent a violent crime.

**Secondary victims** are people who are injured as a direct result of witnessing a violent crime; or parents and guardians of a primary victim who were injured as a direct result of becoming aware of a violent crime committed against the primary victim, and the primary victim was aged less than 18 years at the time of the crime.

**Related victims** are people who, at the time the violent crime, were close family members of a person who died as a direct result of the violent crime, or who were in an intimate personal relationship with or dependent of the person who died.

**Injury** means any of, or a combination of, physical injury; psychological injury or exacerbation of a pre-existing psychological injury (mental illness or disorder); or pregnancy. This definition does not include injury arising from loss of or damage to property.

# Financial assistance available from the Tribunal

In this section of the report we present information about the nature of the financial assistance that may be awarded by the Tribunal to victims of violent crime.

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The amount and nature of financial assistance that may be awarded to a victim of crime is limited by the *Victims of Crime Assistance Act 1996*, and differs between primary, secondary and related victims. In all applications, the amount of financial assistance awarded to a victim of crime to assist in their recovery must be reasonable, and the expenses claimed must directly arise from the crime.

## Financial assistance available

### Expenses

The Tribunal can award an eligible applicant financial assistance for:

- reasonable counselling expenses
- reasonable medical expenses (including dental, optometry, physiotherapy, hospital and ambulance expenses)
- reasonable safety-related expenses
- reasonable funeral expenses
- in exceptional circumstances, other reasonable expenses that will assist an applicant in their recovery from the crime.

Financial assistance may be awarded for expenses actually incurred, or which are likely to be incurred in the future, as a direct result of the crime.

The Tribunal cannot award financial assistance for expenses incurred through the loss of, or damage to property as a result of a crime, except clothing worn at the time of the crime.

Amounts of financial assistance awarded for expenses not yet incurred will only be paid by the Tribunal on the submission of an invoice or receipt relating to the expense. Examples of such expenses include ongoing counselling, surgery that will be required in the future, or the installation of a home security system to assist a victim in their recovery from a violent crime that occurred at home. The Tribunal will not pay for such expenses until the services or goods have been provided to the applicant, and an invoice or receipt is filed with the Tribunal.

Financial assistance awarded for expenses not yet incurred by an applicant may not be paid for some time after being awarded, or may not be paid at all if the victim does not avail themselves of the services for which financial assistance was awarded. For example, while financial assistance for ten future counselling sessions may have been awarded, a victim may find that five sessions are adequate. In this circumstance, the Tribunal would only pay for five counselling sessions.

### Other expenses to assist an applicant in their recovery

In *exceptional circumstances*, the Tribunal may award an applicant financial assistance for other (non-medical, non-counselling and non-safety-related) expenses to assist an applicant in their recovery from a crime. Financial assistance for such expenses is usually awarded when the Tribunal is satisfied that the circumstances surrounding the expense and how it will assist an applicant in their recovery are unusual, special or out of the ordinary, and that the expense will go to the heart of assisting an applicant in their recovery from a crime.

The Tribunal has awarded financial assistance for a range of expenses to assist recovery, including for safety-related expenses (for example, the installation of a home security system, self-defence classes or relocation), and educational expenses (for example, private tutoring for child victims of sexual assault, or tuition fees for higher education courses).

### Loss of earnings

The Tribunal may award an eligible applicant financial assistance for lost earnings, capped at \$20,000. This assistance is for earnings lost by a primary or secondary victim as a direct result of their total or partial incapacity for work during a period of up to two years after the crime occurred.



## Special financial assistance

The Tribunal can award a payment of *special financial assistance* to an eligible primary victim in recognition of the victim having suffered harm as a direct result of a crime. This is a lump sum payment (up to a maximum of \$10,000) that may be paid directly to a primary victim.

In introducing *special financial assistance* for primary victims for crimes committed from 1 July 2000, the Attorney-General advised that the amount of *special financial assistance* available to victims of crime was not intended to reflect what could be obtained at common law, nor to make up for the harm that a victim has suffered from an act of violence, but was intended to constitute a tangible expression of the community's sympathy and concern for victims who suffered from violent crime.<sup>4</sup>

The amount of *special financial assistance* that may be awarded is determined by a categorisation of the crime (categories A to D as set out in the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000), and the particular circumstances of the primary victim or the injury suffered. Crimes within Category A include serious sexual assaults, attempted murder and acts that cause very serious 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 of *special financial assistance* that may be awarded within each category are set out in section 8A(5) of the *Victims of Crime Assistance Act 1996*, and varies based upon when the crime occurred (the minimum and maximum amounts that may be awarded increased from 1 July 2007, for crimes committed on or after that date).

A primary victim does not have to have suffered a physical or psychological injury to be eligible for *special financial assistance*. If the Tribunal is satisfied that a primary victim has suffered grief, distress or trauma (that is, a *significant adverse effect*) as a result of the crime being committed against them, it may award a minimum amount of special financial assistance (which ranges from \$130 to \$4,667, depending on the

category of the crime). The Tribunal may award an additional amount of *special financial assistance* (up to the maximum which ranges from \$650 to \$10,000) if satisfied that a primary victim has suffered an *injury* as a direct result of a crime committed against them.

An award of *special financial assistance* may be reduced or refused by the Tribunal having regard to an applicant's conduct or character.

Awards of *special financial assistance* are usually only available to primary victims where the crime occurred on or after 1 July 2000. However, some victims of childhood sexual assault committed before 1 July 2000 may be eligible for special financial assistance in some circumstances.<sup>5</sup>

## Distress and Dependency

The amount of financial assistance awarded to a related victim may include a payment to acknowledge the distress caused by the death of a 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.

The Tribunal may award a related victim an amount of money that, but for the death of the primary victim, the related victim would have been reasonably likely to receive from the primary victim during a period of up to two years after their death.

## Amount of financial assistance available

A **primary victim** may be awarded financial assistance of up to \$60,000 for reasonable counselling expenses, medical expenses, safety-related expenses (from 1 July 2010), loss of earnings suffered as a direct result of the crime, and loss of or damage to clothing worn at the time of the crime. In exceptional circumstances, an award of financial assistance for other reasonable expenses that will assist a primary victim in their recovery from the crime may be made. In some circumstances, the Tribunal may also award a primary victim *special financial assistance* of up to \$10,000, which is over and above the \$60,000 maximum that may be awarded to a primary victim for expenses and loss of earnings.

<sup>4</sup> Victoria, Legislative Assembly, 26 May 2000, p.1911

<sup>5</sup> Refer to section 77 of the *Victims of Crime Assistance Act 1996* for the circumstances in which the Tribunal may award special financial assistance to victims of childhood sexual assault committed prior to 1 July 2000.

A **secondary victim** may be awarded financial assistance of up to \$50,000 for reasonable counselling and medical expenses, and in exceptional circumstances loss of earnings suffered as a direct result of the crime. In exceptional circumstances, an award of financial assistance for other reasonable expenses that will assist a secondary victim in their recovery from the crime may be made.

A **related victim** may be awarded financial assistance of up to \$50,000 for reasonable counselling, medical and funeral expenses incurred as a direct result of the crime. In exceptional circumstances, an award of financial assistance for other reasonable expenses that will assist a related victim in their recovery from the crime may be made. A related victim may also be awarded financial assistance in recognition of the distress experienced by them as a direct result of the death of a primary victim. Where there is more than one related victim of a deceased primary victim, the overall maximum amount of financial assistance that may be awarded to all related victims is limited to \$100,000, unless exceptional circumstances exist.

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

## Financial assistance pending determination of application

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 alleged crime. Interim awards of financial assistance are usually of an urgent nature, and are most often made for counselling and funeral expenses.

## Awards held in trust

Awards of financial assistance to an applicant who is 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, will be held on trust on behalf of the applicant, unless the Tribunal orders otherwise.

## Legal costs

Where an application for financial assistance is successful, the reasonable legal costs incurred by the applicant will usually be paid by the Tribunal, directly to the lawyer.

The Chief Magistrate has new published Guidelines to aid tribunal members in determining the amount of legal costs to be paid by the Tribunal, for both preparation and appearance fees.<sup>6</sup>

A lawyer acting for a person applying to the Tribunal for financial assistance cannot charge the applicant costs in respect of the application, unless the Tribunal approves those costs.

## Eligibility for financial assistance from other sources

In determining the amount of financial assistance (if any) to be awarded to an applicant, the Tribunal must take into account any other entitlements, payments or benefits the applicant has received in relation to the alleged crime, or is entitled to receive, from alternative sources (including but not limited to the Transport Accident Commission, Victorian WorkCover Authority, the Medicare Better Access to Mental Health Care initiative, health insurance schemes and compensation from the offender under the *Sentencing Act 1991*).<sup>7</sup> This reflects one of the objectives of the *Victims of Crime Assistance Act 1996*, in that the financial assistance available under the Act may only be awarded where compensation cannot be obtained from another source.<sup>8</sup>

The Act further provides that the Tribunal may require an applicant to refund some or all of the financial assistance awarded to them if they later receive damages, compensation, assistance or payments of any kind for their injury suffered as a result of a violent crime.<sup>9</sup>

<sup>6</sup> See the Chief Magistrate's Guideline 1/2011, available from the Tribunal's website at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au).

<sup>7</sup> Section 16 of the *Victims of Crime Assistance Act 1996*.

<sup>8</sup> *Ibid.* See section 1(4).

<sup>9</sup> *Ibid.* Section 62(1).

# How we determine applications for financial assistance

In this section of the report we present information about when the Tribunal may award financial assistance to a victim of violent crime, and how an application for financial assistance is determined.

## When financial assistance may be awarded

The Tribunal may award financial assistance to an applicant if it is satisfied, on the balance of probabilities, that:

- a violent crime occurred (referred to as an *act of violence* in the *Victims of Crime Assistance Act 1996*)
- the applicant is a primary, secondary or related victim of that crime, or a person who has incurred funeral expenses as a direct result of the death of a primary victim
- the applicant is eligible to receive the assistance
- the applicant is not eligible to receive financial assistance from another source for the loss or expense sought from the Tribunal.

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.

## Determining whether a violent crime occurred

The Tribunal relies primarily upon information from Victoria Police in determining whether the crime that is the subject of an application for assistance occurred, and whether the applicant is a victim of that crime.

Upon an application for financial assistance being lodged, a registrar will write to Victoria Police to request information about the alleged crime, the criminal history of the applicant (if any), and the criminal history of the deceased if an applicant claims assistance as a related victim.



## Determining the injury suffered

After an application for financial assistance has been lodged, a registrar will request the applicant to file all documentation upon which they intend to rely in support of their application.

If a person is applying for financial assistance to assist them in their recovery from a *physical injury*, they will be required to provide a report(s) to the Tribunal from the health professional(s) who has provided treatment to them, demonstrating that the injury they have sustained is a direct result of the alleged crime that is the subject of their application for assistance.

If a person is applying for financial assistance to assist them in their recovery from a *psychological injury*, they will be required to submit a report from a psychologist, psychiatrist or other medical practitioner regarding that injury.

A person making an application for assistance as a related victim is **not** required to prove that they sustained an injury in order to be eligible for an award for the distress experienced by them as a result of the loss of a loved one.

## Determining eligibility to receive financial assistance

In determining whether or not to make an award of financial assistance, or the amount of financial assistance to award, the Tribunal must have regard to:

- whether the crime was reported to police within a reasonable time
- the assistance provided by the applicant to police to investigate or prosecute the alleged crime
- the conduct and attitude of the applicant prior to, during and after the crime
- the character of the applicant, including past criminal activity
- whether the offender will benefit from an award of financial assistance made to the applicant
- any damages that the applicant has recovered from the offender
- any compensation, assistance or payment that the applicant has received, or is entitled to receive, from other sources such as WorkCover, the Transport Accident Commission and insurance schemes.

## Hearings

The *Victims of Crime Assistance Act 1996* provides flexibility in the manner in which applications for financial assistance can be determined by the Tribunal. It does this by providing applicants with the opportunity to appear before a tribunal member or to have their applications determined in their absence, and provides an opportunity for victims to give voice to the impact of the crime and to receive acknowledgement and validation of their trauma through a hearing process.

The Tribunal is intended to be “a sympathetic and compassionate forum for applicants to relate their experience as victims of crime, recognising that a hearing often provides an avenue for victims to receive open acknowledgement and validation that they have been victimised”.<sup>10</sup>

The majority of applications are determined by tribunal members ‘on the papers’, that is, without a hearing. Where applications are straight-forward, this is the most efficient and timely mechanism for the determination of applications for financial assistance.

Where an applicant elects to attend a hearing, the *Victims of Crime Assistance Act 1996* allows the Tribunal to operate in a way that is demonstrably victim-centred. At its best, this system operates in a way that optimises both the symbolic and practical assistance available to victims of crime by validating their experiences of trauma, addressing the financial impact of the crime, and in providing financial assistance directed at best achieving that individual victim’s recovery from the crime. In addition, it could be said that the hearing process itself assists in restoring an individual victim’s sense of dignity and in raising awareness with tribunal members, who are also magistrates who sentence offenders, of the harms suffered or experienced by victims of crime.

On hearing an application for financial assistance, the Tribunal is not required to conduct itself in a formal manner and is not bound by rules of practice as to evidence but may inform itself in relation to the matter in any manner that it thinks fit.<sup>11</sup> While decision-makers in the Tribunal are not bound by the rules of evidence, considerations of fairness and reliability on which the rules are based are relevant to the Tribunal’s fact-finding process.

<sup>10</sup> *Victims of Crime Assistance (Amendment Bill)*, Second Reading Speech, 26 May 2000 (Attorney-General, Rob Hulls).

<sup>11</sup> Section 38 of the *Victims of Crime Assistance Act 1996*.

As with other administrative tribunals, any question of fact is decided by the Tribunal on the balance of probabilities.<sup>12</sup> Administrative decision makers are generally entitled to investigate the facts before making their decision, and the Act specifically gives the Tribunal investigative powers to make any enquiry or carry out any investigation to furnish it with the information that it requires to determine an application.<sup>13</sup>

This year the Tribunal made the first award of assistance to a victim of sex trafficking being satisfied that she was subjected to the forced deprivation of her liberty for the purposes of sexual penetration by others and to death threats if she failed to cooperate with the demands of the perpetrators. The victim, suffering an acute stress disorder as a result of her ordeal, was awarded the maximum by way of special financial assistance and other expenses to assist her in recovering from this devastating crime, including educational expenses, funding to return with her son to her country of origin in addition to ongoing counselling.

## Time taken to determine applications for assistance

The time taken to finalise an application for financial assistance will vary between applications. In determining an application, the Tribunal is required by the *Victims of Crime Assistance Act 1996* and procedural fairness 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, trial or inquest; may request that further enquiries be made or that the alleged offender be notified of the application; or decide that they will wait for an injury to stabilise so that an accurate prognosis can be provided to the Tribunal. In applications for financial assistance by related victims of an act of violence, time may be required to identify and communicate with all potential related victims of a deceased primary victim to advise them of their possible right to apply to the Tribunal for financial assistance.

### A tribunal member's perspective

*"It is every parent's nightmare to lose a child whether it be by way of a criminal act or otherwise. It is difficult to imagine how a parent's life can return to any normality.*

*The most humbling role I have found as a Magistrate has been sitting as a Tribunal Member on a related victim application. I, and I know many other Tribunal Members, find it very difficult to know what to say to family members whose loved one has died as a direct result of a crime. If you have not experienced the pain yourself you can appear to be patronising when you are referring to the objects of the Act. At the end of the day the family want their loved one back and the nightmare to end. Money does not, nor will it ever, compensate for that loss. The family is often angry at what they perceive to be the injustices of the criminal justice system and the often random nature of the death.*

*The distress is compounded when the deceased is a young person who the parents have nurtured and proudly watched grow into a fine young man/woman.*

*The objects of the Act recognise the futility of making purely financial Awards by emphasising the importance of recognition and assisting in recovery.*

*This year, following a hearing, the Tribunal received a letter from the parents of a seventeen year old who died as a direct result of an act of violence. He was their only child. In the letter the parents stated that the Tribunal "has given us a chance to live and a reason to continue" and "has given us faith that people do care and want to make a difference. I now know that I must continue to be positive and respect my son". The letter finished with a quote from Mason Albert Pike – "What we do for ourselves dies with us. What we do for others and the world remains and is immortal".*

*These words echo the importance of the opportunity for recognition and of recovery which the Tribunal offers victims of crime. For Tribunal members it is a solemn reminder of the importance we must place on conducting ourselves with humility and sensitivity whilst acting in accordance with the law."*

<sup>12</sup> Ibid. See section 3111 Section 38 of the *Victims of Crime Assistance Act 1996*.

<sup>13</sup> Ibid. See section 39(1).



After an application for financial assistance has been lodged, the applicant will be required to provide all documentation upon which they intend to rely in support of their claim. Applicants are automatically provided four months to provide this information; however, the Tribunal commonly receives requests from applicants and/or their legal representatives for further time for the filing of material. At times, the Tribunal receives no material in support of a claim. In these circumstances, an applicant will be provided with a number of opportunities for the material to be filed. If no response is subsequently received from the applicant, the claim is usually struck out. Where requested, an application can be reinstated once an applicant has filed material in support of their claim.

### Listing protocols

The Chief Magistrate has issued listing protocols to assist in consistency of practice within the Magistrates' Court of Victoria and Tribunal regarding the timeframe in which proceedings are to be listed for hearing. In accordance with the protocols, the Tribunal aims to list hearings in relation to applications for financial assistance within the following timeframes:

- where a tribunal member decides to conduct a hearing – within six to ten weeks of advice from the tribunal member that a hearing is to be conducted
- where an applicant elects for an application to be determined following a hearing – within six to ten weeks of the applicant advising that all material in support of their claim has been filed, and the Tribunal is satisfied that all relevant material has been filed.

At 30 June 2011, all venues were within the waiting times set out in the protocols.

### Variation of awards

The Tribunal may vary an award of financial assistance in any manner that it thinks fit, whether as to the terms of the award, or by increasing or decreasing the amount of financial assistance awarded. The Tribunal must not vary an award after more than six years from the date the original award was made or, if the award was made in favour of a minor, not after that person attains the age of 24 years.<sup>14</sup>



### Applications for review of decisions

Applicants who are dissatisfied with a decision of the Victims of Crime Assistance Tribunal (VOCAT) may apply to the Victorian Civil and Administrative Tribunal (VCAT) for that decision to be reviewed.<sup>15</sup> Upon review, VCAT may confirm or vary the original order, set the original order aside and make a new order or return the application to the original decision-maker to be reconsidered.<sup>16</sup>

On review, VCAT has all of the functions of VOCAT. VCAT's functions in reviewing a decision of VOCAT are not appellate. A review hearing at VCAT is a new hearing of the application for financial assistance, and VCAT must determine the application for assistance on the evidence before it. Parties may put evidence to VCAT that was not presented to VOCAT.

<sup>14</sup> Section 60 of the *Victims of Crime Assistance Act 1996*.

<sup>15</sup> Ibid. See section 59.

<sup>16</sup> Section 51 of the *Victorian Civil and Administrative Tribunal Act 1998*.

# Our Statistical Report – Commentary

In this section of the report we present commentary about the number of applications for financial assistance made and finalised, applicant demographics, the number of awards of financial assistance made, the amount of financial assistance awarded, applications to review Tribunal decisions, and case processing times.

## Total amount of financial assistance awarded

In the 12 months ending 30 June 2011, the Tribunal awarded \$55,039,888 in financial assistance and legal costs to victims of crime, compared to \$49,582,976 in the previous year (increase of 11 per cent). The Tribunal awarded the highest amount under the *Victims of Crime Assistance Act 1996* in a single year since the scheme commenced on 1 July 1997.

## Applications for financial assistance lodged

In the year ending 30 June 2011:

- 6,275 applications for financial assistance were lodged with the Tribunal, compared to 6,193 in the previous year (an increase of 1.3 per cent). This is the highest number of applications lodged in a single year since the Tribunal commenced on 1 July 1997<sup>17</sup>
- Fifty three per cent of applications for assistance were made by female applicants, compared to 50 per cent in the previous year
- applications arising from allegations of assault comprised 55 per cent of all applications for assistance lodged, which is consistent with the previous year
- the Tribunal received 3,423 applications where the alleged crime was identified as an *assault* offence, compared to 3,380 in the previous year (an increase of 1.3 per cent). Applications by male applicants within this category decreased by five per cent (1,982 applications, compared to 2,088 in the previous year), while applications by female applicants within this category increased by 12 per cent (1,441 applications, compared to 1,292 in the previous year)
- the Tribunal received 543 applications where the alleged crime was identified as a *homicide* offence (includes allegations of attempted murder and culpable driving), compared to 663 in the previous year (a decrease of 18 per cent)
- the Tribunal received 254 applications where the alleged crime was identified as a *rape* offence, compared to 318 in the previous year (a decrease of 20 per cent). Applications by male applicants within this category decreased by 13 per cent (33 applications, compared to 38 in the previous year), while applications by female applicants within this category decreased by 21 per cent (221 applications, compared to 280 in the previous year)
- the Tribunal received 183 applications where the alleged crime was identified as a *criminal damage by fire* offence, compared to 263 in the previous year (a decrease of 30 per cent). The majority of applications lodged within this category in the reporting period and previous year arose from the 2009 Victorian bushfires.

<sup>17</sup> An application for assistance may not be made until months, or in some cases years, after an act of violence occurs. The increase in applications for assistance lodged in the reporting period may not be driven by acts of violence committed during the reporting period.

## Outcome of finalised applications for financial assistance

### Outcome of applications

Of the applications for financial assistance finalised in the year ending 30 June 2011:

- 6,370 orders were made finalising applications, compared to 5,920 in the previous year (an increase of 8 per cent). Of the orders made, 77 per cent were awards of financial assistance, which is 4 per cent higher than the previous year (73 per cent)<sup>18</sup>
- 4,891 applicants were awarded financial assistance, compared to 4,304 in the previous year (an increase of 14 per cent)
- thirty-one per cent of awards were made following a hearing (1,519 awards), which is consistent with the previous year (1,353 awards)
- 154 applications were refused, compared to 156 in the previous year (a decrease of 1.3 per cent). The number of applications that were refused comprised 2.4 per cent of all finalising orders made in the reporting period, which is consistent with the previous year (2.6 per cent)
- 1,323 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,454 in the previous year (a decrease of 9 per cent)
- 4,028 awards of financial assistance were made to primary victims, compared to 3,535 in the previous year (an increase of 14 per cent). As in previous years, the majority of awards were made to primary victims (82 per cent, which is consistent with the previous year)
- 365 awards of financial assistance were made to secondary victims, compared to 338 in the previous year (an increase of 8 per cent). Secondary victims represented 7.5 per cent of all awarded applicants, which is slightly lower than the previous year (eight per cent)
- 477 awards of financial assistance were made to related victims, compared to 416 in the previous year (an increase of 15 per cent). Related victims represented ten per cent of all awarded applicants, which is consistent with the previous year

- 559 awards of financial assistance were ordered by the Tribunal to be held in trust, compared to 514 in the previous year (an increase of 9 per cent). Awards ordered to be held on trust represented 11 per cent of all awards made in the reporting period, which is slightly lower than the previous year (12 per cent)
- fifty per cent of awarded applicants were female, compared to 48 per cent in the previous year
- the crime in 55 per cent of applications where an award was made was an assault offence (consistent with the previous year), followed by a non-rape sex offence (12 per cent, which is slightly lower than the previous year of 14 per cent), and a homicide related offence (11 per cent which is consistent with the previous year).

### Amount of financial assistance awarded on determination of applications

In the year ending 30 June 2011:

- \$41,887,754 in financial assistance (excluding legal costs) was awarded to victims of crime on the determination of applications for financial assistance, compared to \$37,616,974 in the previous year (an increase of 11 per cent)
  - › \$33,867,818 in financial assistance was awarded to applicants for expenses already incurred by them, and payments for special financial assistance, distress and loss of earnings compared to \$30,464,298 in the previous year (an increase of 11 per cent). This amount comprises 80 per cent of the total amount of financial assistance awarded, compared to 81 per cent in the previous year
  - › \$8,019,936 in financial assistance was awarded to applicants for future expenses, compared to \$7,152,676 in the previous year (an increase of 12 per cent). This amount comprises 19 per cent of the total amount of financial assistance awarded, compared to 19 per cent in the previous year)
- the average amount of financial assistance awarded on determination of an application for assistance was \$8,564, compared to \$8,740 in the previous year (a decrease of two per cent).<sup>19</sup>

<sup>18</sup> An application for financial assistance is finalised by the application being granted (that is, an award of financial assistance is made), refused, struck out or withdrawn. Such outcomes are referred to in this report as finalising orders.

<sup>19</sup> This has been calculated by dividing the total amount of financial assistance awarded on determination of applications for assistance (excluding legal costs), by the number of awards of assistance made.



## Special financial assistance

In the year ending 30 June 2011:

- almost all primary victims (97 per cent) were awarded special financial assistance on the final determination of applications for financial assistance, which is slightly higher than the previous year (96 per cent)
- 3,896 primary victims were awarded special financial assistance, compared to 3,409 in the previous year (an increase of 14 per cent)
- primary victims were most often awarded special financial assistance for Category C offences (37 per cent), followed by Category A offences (24 per cent), Category B offences (21 per cent) and Category D offences (18 per cent)<sup>20</sup>
- the number of primary victims awarded special financial assistance by category of act offence was:
  - › Category A – 951 primary victims, compared to 860 in the previous year (an increase of 11 per cent)
  - › Category B – 802 primary victims, compared to 756 in the previous year (an increase of 6 per cent)
  - › Category C – 1,443 primary victims, compared to 1,212 in the previous year (an increase of 19 per cent)
  - › Category D – 700 primary victims, compared to 581 in the previous year (an increase of 20 per cent)
- the Tribunal awarded the highest annual amount of special financial assistance since its introduction on 1 July 2000. This is attributed to the increase in the number of applications for financial assistance made to the Tribunal by primary victims in recent years and subsequently determined, and the increase in the amount of special financial assistance that could be awarded from 1 July 2007 (for acts of violence committed on or after that date)
- special financial assistance comprised 29 per cent of the total amount of financial assistance awarded on the determination of applications for assistance, which is slightly higher than the previous year (28 per cent)
- \$12,235,708 in special financial assistance was awarded to primary victims on the determination of applications for financial assistance, compared to \$10,683,929 in the previous year (an increase of 15 per cent). The amount of special financial assistance awarded increased across each category of offence
- the average amount of special financial assistance awarded to primary victims was \$3,141, compared to \$3,134 in the previous year.<sup>21</sup> The average amount of assistance awarded by category of offence was:
  - › Category A – \$8,127, compared to \$7,883 in the previous year (an increase of three per cent)
  - › Category B – \$2,853, compared to \$2,716 in the previous year (an increase of five per cent)
  - › Category C – \$1,239, compared to \$1,231 in the previous year (an increase of one per cent)
  - › Category D – \$617, compared to \$620 in the previous year (a decrease of 0.5 per cent)
- the average amount of special financial assistance awarded by category demonstrates that most primary victims awarded special financial assistance are satisfying the Tribunal that they have suffered an injury as a direct result of a violent crime committed against them, and are therefore being awarded the maximum amount available within each category of offence.

## Distress

In the year ending 30 June 2011:

- \$8,510,214 was awarded to related victims for distress on the determination of applications for financial assistance, compared to \$8,007,966 in the previous year (an increase of 6 per cent)
- the average amount of financial assistance awarded to related victims for distress was \$18,381, compared to \$19,437 in the previous year (a decrease of 5 per cent).

<sup>20</sup> Refer to the Victims of Crime (Special Financial Assistance) Regulations 2000 for information about the acts of violence within Categories A, B, C and D.

<sup>21</sup> The average amount of special financial assistance awarded is calculated by dividing the total amount of special financial assistance awarded by the number of primary victims who were awarded special financial assistance. In previous reports, the average amount of special financial assistance awarded on determination of applications for financial assistance was calculated by dividing the amount of special financial assistance awarded by the number of primary victim awards made. Not all primary victims are awarded special financial assistance.

## Loss of earnings

In the year ending 30 June 2011:

- \$3,864,962 in financial assistance was awarded for lost earnings on the determination of applications for assistance, compared to \$3,608,816 in the previous year (an increase of 7 per cent)
- the average amount of financial assistance awarded for lost earnings was \$5,258 compared to \$4,991 in the previous year (an increase of 5 per cent)
- fifteen per cent of awarded applicants received financial assistance for lost earnings (735 applicants), which is consistent with the previous year (17 per cent / 723 applicants).

## Counselling expenses

A large proportion of the financial assistance awarded for counselling expenses is awarded as interim financial assistance and upon the variation of awards. As such, detailed information regarding the overall amount of financial assistance awarded for counselling expenses is provided on page 34.

## Medical expenses

In the year ending 30 June 2011:

- \$3,066,857 in financial assistance was awarded for medical expenses on the determination of applications for assistance, compared to \$3,019,863 in the previous year (an increase of 2 per cent). This amount comprised:
  - › \$1,929,468 in financial assistance for medical expenses already incurred by applicants, compared to \$1,709,899 in the previous year (an increase of 13 per cent). This represented 63 per cent of the total amount awarded for medical expenses, compared to 57 per cent in the previous year
  - › \$1,137,389 in financial assistance for future medical expenses, compared to \$1,309,964 in the previous year (a decrease of 13 per cent).

## Other expenses to assist recovery

In exceptional circumstances, the Tribunal may award an applicant financial assistance for expenses other than medical, counselling and safety-related expenses to assist them in their recovery.

In the year ending 30 June 2011:

- \$8,607,777 in financial assistance was awarded for other expenses to assist recovery pursuant to section 8(3) of the *Victims of Crime Assistance Act 1996* (that is, non-medical, counselling or safety-related expense, referred to as 'other expenses' in this commentary) on the determination of applications for assistance, compared to \$8,271,958 in the previous year (an increase of 4 per cent). This amount comprised:
  - › \$4,459,527 in financial assistance for other expenses already incurred by applicants, compared to \$4,519,069 in the previous year (a decrease of 1.3 per cent). This represented 52 per cent of the total amount awarded, compared to 55 per cent in the previous year
  - › \$4,148,250 in financial assistance for other expenses to be incurred in the future, compared to \$3,752,889 in the previous year (an increase of 11 per cent).

## Legal costs

In the year ending 30 June 2011:

- \$5,118,047 in legal costs (including disbursements) was ordered to be paid on the determination of applications for financial assistance, compared to \$4,489,057 in the previous year (an increase of 14 per cent). The increase in the amount of legal costs ordered to be paid by the Tribunal in comparison to previous years is attributed to the increased number of applications for assistance lodged with and subsequently determined by the Tribunal during the reporting period
- the average amount of legal costs ordered to be paid was \$1,049, compared to \$1,046 in the previous year.<sup>22</sup>

22 Average legal costs ordered to be paid have been calculated by dividing the total amount ordered to be paid for legal costs by the number of awards of financial assistance made. Note that legal costs will not be ordered where an applicant is not legally represented, and may be ordered even where an application for financial assistance is refused, or on the variation of an award.

## Interim awards of financial assistance

In the year ending 30 June 2011:

- \$4,287,471 in interim financial assistance was awarded pending the final determination of applications for financial assistance, compared to \$4,117,438 in the previous year (an increase of 4 per cent). This amount comprised:
  - › \$1,807,809 in interim financial assistance for expenses already incurred by applicants, compared to \$1,995,735 in the previous year (a decrease of nine per cent). This represented 42 per cent of the total amount of interim financial assistance awarded, compared to 48 per cent in the previous year
  - › \$2,479,662 in interim financial assistance for expenses to be incurred by applicants in the future, compared to \$2,121,703 in the previous year (an increase of 17 per cent)
- interim financial assistance was most often awarded for counselling expenses, followed by funeral and medical expenses. Sixty-seven per cent of the interim financial assistance awarded was for counselling expenses (reports and sessions), compared to 63 per cent in the previous year
- 2,092 interim awards of financial assistance were made for expenses already incurred by applicants, compared to 2,052 in the previous year (an increase of two per cent). The decrease is attributed to a reduction in the number of interim awards of assistance made for payment of medical reports. The number of interim awards of assistance made by decision-maker was as follows:
  - › 1,029 interim awards of financial assistance were made by tribunal members, compared to 1,002 in the previous year (an increase of three per cent); and
  - › 1,063 interim awards of financial assistance were made by registrars, compared to 1,050 in the previous year (an increase of 1.2 per cent).

## Variation of awards

In the year ending 30 June 2011:

- \$3,565,622 in financial assistance (excluding legal costs) was awarded on the variation of awards previously made, compared to \$3,180,259 in the previous year (an increase of 12 per cent). This amount comprised:
  - › \$2,287,994 in financial assistance for expenses already incurred by applicants, compared to \$1,881,167 in the previous year (an increase of 22 per cent). This represented 64 per cent of the total amount of financial assistance awarded on variation, compared to 59 per cent in the previous year
  - › \$1,277,628 in financial assistance for expenses to be incurred by applicants in the future, compared to \$1,299,092 in the previous year (a decrease of 1.7 per cent)
- 1,278 awards were varied to award financial assistance for expenses already incurred by applicants, compared to 1,174 in the previous year (an increase of nine per cent)
- the financial assistance awarded on variation was most often awarded for counselling and medical expenses, and other expenses to assist recovery upon exceptional circumstances being established by applicants.

## Applications for review of decisions

In the year ending 30 June 2011:

- twenty-nine applications seeking a review of decisions of the Victims of Crime Assistance Tribunal (VOCAT) were lodged with Victorian Civil and Administrative Tribunal (VCAT). In 15 applications VOCAT had refused to make an award of assistance; in 12 applications VOCAT had made an award of assistance and the applicant sought a review of the amount awarded; and in two applications the applicants sought a review of VOCAT's decision to refuse to vary awards of assistance
- twenty-three applications for review were finalised by VCAT.

- in eight (35 per cent) of the finalised applications for review, VCAT either set VOCAT's order aside or made an award of assistance (six applications), or varied the award made by VOCAT (two application). In these applications, VCAT awarded \$46,683 in financial assistance, of which 36 per cent was for special financial assistance
- in four (17 per cent) of the finalised applications for review, the order of VOCAT was affirmed by VCAT
- in ten (43 per cent) of the finalised applications for review, the application did not proceed and was either withdrawn or struck out
- in one (four per cent) of the finalised applications for review, VCAT remitted the applications back to VOCAT for determination.

## Case processing times

Case processing time is measured as the time between an application being lodged and finalised.<sup>23</sup>

Despite increasing caseload, the time taken to determine applications for financial assistance remained stable over the last four years, with 64 per cent of applications for assistance finalised within 12 months of lodgement. Almost half of the applications finalised over this period were finalised within three to nine months of lodgement (48 per cent).

Of the applications for financial assistance finalised in the year ending 30 June 2011:

- forty-eight per cent of applications were finalised within 9 months of lodgement, which is slightly lower than the previous year (50 per cent)
- sixty-four per cent of applications were finalised within 12 months of lodgement, which is slightly lower than the previous year (66 per cent).

## Pending caseload

*Pending caseload* refers to the number of applications for financial assistance waiting to be finalised at a given point in time. The duration for which an application has been pending is measured as the time between the date that an application was lodged and 30 June 2011.

On 30 June 2011:

- 6,954 applications for assistance were pending, compared to 6,782 on 30 June in the previous year (an increase of three per cent). The increase in the number of applications pending is attributed to the increased number of applications for assistance lodged over this and previous reporting periods that had not been finalised at 30 June 2011. This includes applications filed in regards to the 2009 Bushfires
- 45 per cent of pending applications had been pending for more than 9 months, which is higher than the previous year (41 per cent)
- 34 per cent of pending applications had been pending for more than 12 months, which is slightly higher than the previous year.

## Financial assistance for counselling expenses

In recognising that many applicants require financial assistance for counselling expenses pending the determination of their applications, the Tribunal has focused on improving access to interim financial assistance, particularly for counselling expenses. The increase in the number of interim awards of financial assistance made and the amount of interim financial assistance awarded over the last three years suggests that the Tribunal's efforts have increased applicants' access to financial assistance for urgent expenses, particularly for counselling.

## Amount of financial assistance awarded for counselling expenses

In the year ending 30 June 2011:

- a total amount of \$7,511,364 in financial assistance was awarded for counselling expenses (reports and sessions) by way of interim awards, final awards and variations to awards, compared to \$6,994,031 in the previous year (an increase of seven per cent). This represents 18 per cent of the total amount of financial assistance awarded, compared to 16 per cent in the previous year
- of the total amount of financial assistance awarded for counselling expenses, 22 per cent was for report fees, while 78 per cent was for counselling sessions, which is consistent with the previous year (23 per cent and 77 per cent respectively).

<sup>23</sup> 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 order made finalising the application.

## Financial assistance awarded for reports

In the year ending 30 June 2011:

- a total amount of \$1,688,085 was awarded for counselling, psychological and psychiatric reports, compared to \$1,606,781 in the previous year (an increase of five per cent)
- on 3,722 occasions, the Tribunal awarded financial assistance for the costs of a report, compared to 3,564 occasions in the previous year (an increase of four per cent)
- the average amount of financial assistance awarded for reports was \$454, compared to \$451 in the previous year (an increase of 0.7 per cent).

## Financial assistance awarded for counselling sessions

In the year ending 30 June 2011:

- a total amount of \$5,823,279 in financial assistance was awarded for counselling sessions (interim awards, final determination, variation and on review), compared to \$5,387,250 in the previous year (an increase of eight per cent). Of the total amount of financial assistance awarded for counselling sessions:
  - › \$1,435,450 was awarded for counselling sessions that had been provided to applicants at the time that the award was made, compared to \$1,265,655 in the previous year (an increase of 13 per cent); and
  - › \$4,387,829 was awarded for future counselling sessions, compared to \$4,121,595 in the previous year (an increase of 6.5 per cent)

- in 17 per cent of all applications for financial assistance lodged, an interim award of financial assistance was made for counselling sessions already provided to applicants (1,068 interim awards), which is consistent with the previous year (17 per cent / 1,060 interim awards).<sup>24</sup> In 23 per cent of all applications for financial assistance lodged, an interim award of financial assistance was made for future counselling sessions (1,436 interim awards), compared to 23 per cent in the previous year (1,404 interim awards)
- on the determination of applications for financial assistance, 46 per cent of awarded applicants were awarded financial assistance for counselling sessions already provided (2,273 applicants), compared to 42 per cent in the previous year (1,827 applicants), while 28 per cent of awarded applicants were awarded financial assistance for future counselling sessions (1,356 applicants), compared to 32 per cent in the previous year (1,367 applicants).

## Koori VOCAT List

In the year ending 30 June 2011:

- 143 applications for financial assistance were lodged within the Koori VOCAT List (the List), compared to 148 in the previous year, comprising 2.3 per cent of all applications for financial assistance lodged during the reporting period
- 216 applications for financial assistance were finalised within the List, compared to 122 in the previous year
- an award of financial assistance was made in 69 per cent of finalised applications (148 applications), compared to 66 per cent (80 applications) in the previous year.

<sup>24</sup> This has been calculated by dividing the number of interim awards of financial assistance made that included financial assistance for counselling expenses by the number of applications for assistance lodged in the reporting period, and assumes that there was one interim award of assistance made per application for assistance lodged.

## Our Statistical Report – Tables

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

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

TABLE 1: SUMMARY – APPLICATIONS FOR ASSISTANCE LODGED, FINALISED AND PENDING, 2008/09 – 2010/11

	2008/09	2009/10	2010/11
<b>CASELOAD</b>			
Number applications lodged	5,702	6,193	6,275
Number orders made finalising claims	5,002	5,920	6,370
Number applications pending on 30 June	6,162	6,782	6,954
<b>CASE PROCESSING TIMES</b>			
Proportion of applications finalised within 9 months of lodgement	50.8%	50.1%	47.5%
Proportion of applications finalised within 12 months of lodgement	67.0%	66.2%	63.5%
<b>AGE OF PENDING CASELOAD</b>			
Proportion of applications pending for 9 months or more on 30 June	40.1%	40.6%	44.5%
Proportion of applications pending for 12 months or more on 30 June	29.9%	30.2%	33.5%

## Applications lodged by applicant gender and category of crime

TABLE 2: NUMBER OF APPLICATIONS FOR FINANCIAL ASSISTANCE LODGED BY CATEGORY OF OFFENCE, AND GENDER OF APPLICANT, 2010/11<sup>25</sup>

OFFENCE CATEGORY	NUMBER OF APPLICATIONS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide <sup>26</sup>	241	302	543	8.1%	9.1%	8.7%
Rape	33	221	254	1.1%	6.7%	4.0%
Sex (non-Rape) <sup>27</sup>	166	693	859	5.6%	21.0%	13.7%
Robbery	202	150	352	6.8%	4.5%	5.6%
Assault <sup>28</sup>	1,982	1,441	3,423	66.7%	43.6%	54.5%
Abduction / Kidnap	8	15	23	0.3%	0.5%	0.4%
Criminal damage by fire	82	101	183	2.8%	3.1%	2.9%
Burglary	185	215	400	6.2%	6.5%	6.4%
Harassment	9	64	73	0.3%	1.9%	1.2%
Other	62	103	165	2.1%	3.1%	2.6%
<b>TOTAL</b>	<b>2,970</b>	<b>3,305</b>	<b>6,275</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>25</sup> The acts of violence for applicants have been grouped according to the broad offence categories used by Victoria Police in reporting crime statistics.

<sup>26</sup> The *Homicide* category includes offences such as murder, manslaughter and culpable driving.

<sup>27</sup> The *Sex (non-rape)* category includes offences such as indecent assault, incest, and sexual penetration of a child.

<sup>28</sup> The *Assault* category includes offences such as intentionally/recklessly cause serious injury, reckless conduct endangering life, unlawful assault, assault with weapon.

## Outcome of finalised applications

TABLE 3: NUMBER OF ORDERS MADE UPON FINAL DETERMINATION OF APPLICATIONS FOR FINANCIAL ASSISTANCE, BY ORDER TYPE, 2008/09 – 2010/11

ORDER	2008/09		2009/10		2010/11	
Application granted / award made	3,547	70.9%	4,304	72.7%	4891	76.8%
Application refused	125	2.5%	156	2.6%	154	2.4%
Application struck out / withdrawn	1,324	26.5%	1,454	24.6%	1323	20.8%
Other disposal	6	0.1%	6	0.1%	2	0.0%
<b>TOTAL</b>	<b>5,002</b>	<b>100%</b>	<b>5,920</b>	<b>100%</b>	<b>6370</b>	<b>100%</b>

TABLE 4: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE MADE UPON FINAL DETERMINATION OF APPLICATIONS FOR ASSISTANCE, BY AWARD TYPE, 2008/09 – 2010/11

AWARD TYPE	2008/09		2009/10		2010/11	
Primary victim award	2,999	84.6%	3,535	82.1%	4028	82.4%
Secondary victim award	263	7.4%	338	7.9%	365	7.5%
Related victim award	270	7.6%	416	9.7%	477	9.8%
Award for funeral expenses only	–	–	1	–	6	0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	3	0.1%	3	–	2	–
Other	12	0.3%	11	0.3%	13	0.3%
<b>TOTAL</b>	<b>3,547</b>	<b>100%</b>	<b>4,304</b>	<b>100.0%</b>	<b>4,891</b>	<b>100%</b>



TABLE 5: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE MADE, BY AGE AND GENDER OF AWARDED APPLICANTS, 2010/11

AGE AT AWARD	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
0 – 18 years	411	474	885	16.9%	19.3%	18.1%
19 – 25 years	523	265	788	21.5%	10.8%	16.1%
26 – 35 years	482	350	832	19.9%	14.2%	17%
36 – 60 years	752	779	1531	31.0%	31.6%	31.3%
61 years +	110	111	221	4.5%	4.5%	4.5%
Unknown	151	483	634	6.2%	19.6%	13%
<b>TOTAL</b>	<b>2,429</b>	<b>2,462</b>	<b>4,891</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

TABLE 6: NUMBER OF AWARDS OF ASSISTANCE MADE BY CATEGORY OF OFFENCE AND GENDER OF AWARDED APPLICANT, 2010/11

OFFENCE CATEGORY	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	238	288	526	9.8%	11.7%	10.8%
Rape	19	201	220	0.8%	8.2%	4.5%
Sex (non-Rape)	114	484	598	4.7%	19.7%	12.2%
Robbery	160	122	282	6.6%	5.0%	5.8%
Assault	1,644	1,042	2,686	67.7%	42.3%	54.9%
Abduction / Kidnap	3	13	16	0.1%	0.5%	0.3%
Criminal damage by fire	56	68	124	2.3%	2.8%	2.5%
Burglary	124	134	258	5.1%	5.4%	5.3%
Harassment	19	57	76	0.8%	2.3%	1.5%
Other	52	53	105	2.1%	2.2%	2.1%
<b>TOTAL</b>	<b>2,429</b>	<b>2,462</b>	<b>4,891</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**TABLE 7: NUMBER OF APPLICATIONS FOR ASSISTANCE LODGED, FINAL ORDERS AND AWARDS MADE BY TRIBUNAL REGION, 2010/11**

REGION	TRIBUNAL VENUES WITHIN REGION	APPLICATIONS LODGED		FINAL ORDERS MADE		AWARDS MADE	
		NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL
Barwon South West	Colac, Geelong, Hamilton, Portland, Warrnambool	339	5.4%	353	5.5%	224	4.6%
Broadmeadows	Broadmeadows	623	9.9%	470	7.4%	396	8.1%
Dandenong	Dandenong	488	7.8%	511	8.0%	440	9.0%
Frankston	Dromana, Frankston	493	7.9%	400	6.3%	337	6.9%
Gippsland	Bairnsdale, Korumburra, Latrobe Valley, Moe, Omeo, Orbost, Sale, Wonthaggi	331	5.3%	305	4.8%	242	4.9%
Grampians	Ararat, Bacchus Marsh, Ballarat, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell	206	3.3%	296	4.6%	220	4.5%
Heidelberg	Heidelberg, Moonee Ponds, Preston	473	7.5%	489	7.7%	369	7.5%
Hume	Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Shepparton, Wangaratta, Wodonga	246	3.9%	213	3.3%	186	3.8%
Lodden Mallee	Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill	308	4.9%	268	4.2%	203	4.2%
Melbourne	Melbourne, Moorabbin	1,494	23.8%	1,744	27.4%	1,323	27.0%
Neighbourhood Justice Centre	Collingwood	62	1.0%	51	0.8%	37	0.8%
Ringwood	Ringwood	495	7.9%	594	9.3%	423	8.7%
Sunshine	Sunshine, Werribee	717	11.4%	676	10.6%	491	10.0%
<b>TOTAL</b>		<b>6,275</b>	<b>100%</b>	<b>6,370</b>	<b>100%</b>	<b>4,891</b>	<b>100%</b>

## Financial assistance awarded and legal costs

**TABLE 8: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED AND LEGAL COSTS ORDERED (INTERIM, FINAL DETERMINATION, BY VARIATION AND ON REVIEW), 2008/09 – 2010/11**

	2008/09		2009/10		2010/11	
Financial assistance	\$35,143,481	90.7%	\$44,977,139	90.7%	\$49,787,530	90.5%
Legal costs	\$3,620,209	9.3%	\$4,605,837	9.3%	\$5,252,358	9.5%
<b>TOTAL</b>	<b>\$38,763,690</b>	<b>100%</b>	<b>\$49,582,976</b>	<b>100%</b>	<b>\$55,039,888</b>	<b>100%</b>

**TABLE 9: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED, 2008/09 – 2010/11**

	2008/09		2009/10		2010/11	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$26,999,543	76.8%	\$34,401,037	76.5%	\$38,008,751	76.3%
Financial assistance for expenses not yet incurred	\$8,143,938	23.2%	\$10,576,103	23.5%	\$11,778,779	23.7%
<b>TOTAL</b>	<b>\$35,143,481</b>	<b>100%</b>	<b>\$44,977,139</b>	<b>100%</b>	<b>\$49,787,530</b>	<b>100%</b>

**TABLE 10: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED BY ASSISTANCE TYPE, AND LEGAL COSTS ORDERED, 2010/11**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Special financial assistance	\$43,300	\$12,235,708	\$53,900	\$16,850	\$12,349,758	24.8%
Pain and suffering	–	\$35,000	–	\$15,500	\$50,500	0.1%
Distress	\$10,000	\$8,510,214	\$12,500	–	\$8,532,714	17.1%
Funeral expenses	\$302,957	\$266,729	\$6,780	–	\$576,466	1.2%
Loss of earnings	\$123,539	\$3,864,962	\$223,952	–	\$4,212,453	8.5%
Dependency	–	–	–	–	–	–
Loss/damage to clothing	\$3,132	\$210,955	\$1,657	–	\$215,744	0.4%
Counselling/ psychological/ psychiatric reports	\$645,906	\$935,806	\$106,373	–	\$1,688,085	3.4%
Counselling sessions	\$2,208,643	\$2,973,009	\$641,627	–	\$5,823,279	11.7%
Medical expenses	\$417,879	\$3,066,857	\$796,318	\$3,793	\$4,284,847	8.6%
Other expenses to assist recovery	\$294,700	\$8,607,777	\$1,521,321	\$10,540	\$10,434,338	21.0%
Safety related expenses	\$237,415	\$1,180,737	\$201,194	–	\$1,619,346	3.3%
<b>Subtotal</b>	<b>\$4,287,471</b>	<b>\$41,887,754</b>	<b>\$ 3,565,622</b>	<b>\$46,683</b>	<b>\$49,787,530</b>	<b>100%</b>
Legal Costs	–	\$5,118,047	\$94,711	\$39,600	\$5,252,358	
<b>TOTAL</b>	<b>\$4,287,471</b>	<b>\$47,005,801</b>	<b>\$3,660,333</b>	<b>\$86,283</b>	<b>\$55,039,888</b>	

**TABLE 11: AMOUNT OF FINANCIAL ASSISTANCE AWARDED AS A LUMP SUM PAYMENT AND FOR *EXPENSES ALREADY INCURRED*, BY TYPE OF ASSISTANCE, 2010/11**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Special financial assistance	\$43,300	\$12,235,708	\$53,900	\$16,850	\$12,349,758	32.5%
Pain and suffering	–	\$35,000	–	\$15,500	\$50,500	0.1%
Distress	\$10,000	\$8,510,214	\$12,500	–	\$8,532,714	22.4%
Funeral expenses	\$299,539	\$266,729	\$6,780	–	\$573,048	1.5%
Loss of earnings	\$123,539	\$3,864,962	\$223,952	–	\$4,212,453	11.1%
Dependency	–	–	–	–	–	0.0%
Loss / damage to clothing	\$2,104	\$198,797	\$1,657	–	\$202,558	0.5%
Counselling / psychological / psychiatric reports	\$645,906	\$935,806	\$106,373	–	\$1,688,085	4.4%
Counselling sessions	\$295,972	\$840,149	\$299,329	–	\$1,435,450	3.8%
Medical expenses	\$200,271	\$1,929,468	\$485,803	\$2,240	\$2,617,782	6.9%
Other expenses to assist recovery	\$114,561	\$4,459,527	\$979,546	\$10,540	\$5,564,174	14.6%
Safety related expenses	\$72,617	\$591,458	\$118,154	–	\$782,229	2.1%
<b>TOTAL</b>	<b>\$1,807,809</b>	<b>\$33,867,818</b>	<b>\$2,287,994</b>	<b>\$45,130</b>	<b>\$38,008,751</b>	<b>100%</b>

**TABLE 12: AMOUNT OF FINANCIAL ASSISTANCE AWARDED FOR EXPENSES *NOT YET INCURRED*, BY TYPE OF ASSISTANCE, 2010/11**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Counselling sessions	\$1,912,671	\$2,132,860	\$342,298	–	\$4,387,829	37.3%
Medical expenses	\$217,608	\$1,137,389	\$310,515	\$1,553	\$1,667,065	14.2%
Loss / damage to clothing	\$1,028	\$12,158	–	–	\$13,186	0.1%
Other expenses to assist recovery	\$180,139	\$4,148,250	\$541,775	–	\$4,870,164	41.3%
Funeral expenses	\$3,418	–	–	–	\$3,418	0.0%
Safety related expenses	\$164,798	\$589,279	\$83,040	–	\$837,117	7.1%
<b>TOTAL</b>	<b>\$2,479,662</b>	<b>\$8,019,936</b>	<b>\$1,277,628</b>	<b>\$1,553</b>	<b>\$11,778,779</b>	<b>100%</b>

**TABLE 13: NUMBER OF FINAL AWARDS OF FINANCIAL ASSISTANCE MADE, AND AVERAGE AMOUNT OF FINANCIAL ASSISTANCE AWARDED ON FINAL DETERMINATION, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of awards of financial assistance made	3,547	4,304	4,891
Amount of financial assistance awarded	\$28,234,473	\$37,616,974	\$41,887,754
Average amount of financial assistance awarded	\$7,960	\$8,740	\$8,564

**TABLE 14: NUMBER OF PRIMARY VICTIMS AWARDED SPECIAL FINANCIAL ASSISTANCE AND AMOUNT AWARDED ON DETERMINATION OF APPLICATION, BY CATEGORY, 2008/09 – 2010/11**

	NUMBER			DISTRIBUTION		
	2008/09	2009/10	2010/11	2008/09	2009/10	2010/11
<b>NUMBER OF PRIMARY VICTIMS WHO WERE AWARDED SPECIAL FINANCIAL ASSISTANCE BY CATEGORY</b>						
Category A	714	860	951	24.6%	25.2%	24.4%
Category B	671	756	802	23.1%	22.2%	20.6%
Category C	1,019	1,212	1,443	35.1%	35.6%	37.0%
Category D	496	581	700	17.1%	17.0%	18.0%
<b>TOTAL</b>	<b>2,900</b>	<b>3,409</b>	<b>3,896</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY</b>						
Category A	\$5,250,185	\$6,779,054	\$7,728,546	62.4%	63.5%	63.2%
Category B	\$1,695,800	\$2,053,025	\$2,288,208	20.2%	19.2%	18.7%
Category C	\$1,195,175	\$1,491,455	\$1,787,195	14.2%	14.0%	14.6%
Category D	\$273,260	\$360,395	\$431,760	3.2%	3.4%	3.5%
<b>TOTAL</b>	<b>\$8,414,420</b>	<b>\$10,683,429</b>	<b>\$12,235,708</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>AVERAGE AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY</b>						
Category A	\$7,353	\$7,883	\$8,127			
Category B	\$2,527	\$2,716	\$2,853			
Category C	\$1,173	\$1,231	\$1,239			
Category D	\$551	\$620	\$617			
<b>TOTAL</b>	<b>\$2,902</b>	<b>\$3,134</b>	<b>\$3,141</b>			

**TABLE 15: NUMBER OF RELATED VICTIMS AWARDED FINANCIAL ASSISTANCE FOR DISTRESS AND AMOUNT AWARDED ON FINAL DETERMINATION, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of related victims who were awarded financial assistance for distress	270	412	463
Amount of financial assistance awarded to related victims for distress on determination of application	\$4,667,090	\$8,007,966	\$8,510,214
Average amount of financial assistance awarded to related victims for distress	\$17,286	\$19,437	\$18,381

**TABLE 16: AMOUNT OF LEGAL COSTS ORDERED TO BE PAID ON THE FINAL DETERMINATION OF APPLICATIONS FOR FINANCIAL ASSISTANCE, AND AVERAGE LEGAL COSTS ORDERED, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of awards of financial assistance made	3,547	4,304	4891
Amount ordered to be paid for legal costs	\$3,554,526	\$4,489,057	\$5,118,047
Average amount of legal costs ordered to be paid per awarded applicant	\$1,002	\$1,043	\$1046



## Interim financial assistance

**TABLE 17: NUMBER OF INTERIM AWARDS OF FINANCIAL ASSISTANCE MADE WHERE FINANCIAL ASSISTANCE WAS AWARDED FOR *EXPENSES ALREADY INCURRED*, AND AMOUNT AWARDED 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of interim awards of assistance made by tribunal members	1,368	1,002	1,029
Number of interim awards of assistance made by registrars	832	1,050	1,063
<b>TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES ALREADY INCURRED</b>	<b>2,200</b>	<b>2,052</b>	<b>2,092</b>
Proportion of interim awards made by registrars	37.8%	51.2%	50.8%
Amount of interim financial assistance awarded for expenses already incurred	\$1,976,073	\$1,995,735	\$1,807,809
Average amount of interim financial assistance awarded for expenses already incurred	\$898	\$973	\$864

**TABLE 18: NUMBER OF INTERIM AWARDS OF FINANCIAL ASSISTANCE MADE WHERE FINANCIAL ASSISTANCE WAS AWARDED FOR *EXPENSES NOT YET INCURRED*, AND AMOUNT AWARDED, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of interim awards of assistance made by tribunal members	977	646	716
Number of interim awards of assistance made by registrars	583	900	905
<b>TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES NOT YET INCURRED</b>	<b>1,560</b>	<b>1,546</b>	<b>1,621</b>
Proportion of interim awards made by registrars	37.4%	58.2%	55.8%
Amount of interim financial assistance awarded for expenses not yet incurred	\$2,139,103	\$2,121,703	\$2,479,662
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,371	\$1,372	\$1,530

## Variation of awards

**TABLE 19: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE VARIED TO AWARD FINANCIAL ASSISTANCE FOR *EXPENSES ALREADY INCURRED*, AND AVERAGE AMOUNT OF FINANCIAL ASSISTANCE AWARDED, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of awards varied to award further financial assistance for expenses already incurred	1,134	1,174	1,278
Amount of financial assistance awarded on variation for expenses already incurred	\$1,819,134	\$1,881,167	\$2,287,994
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,604	\$1,602	\$1,790

**TABLE 20: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE VARIED TO AWARD FINANCIAL ASSISTANCE FOR *EXPENSES NOT YET INCURRED*, AND AVERAGE AMOUNT OF FINANCIAL ASSISTANCE AWARDED, 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
Number of awards varied to award further financial assistance for expenses not yet incurred	401	459	457
Amount of financial assistance awarded on variation for expenses not yet incurred	\$965,198	\$1,299,092	\$1,277,628
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,407	\$2,830	\$2,992

## Applications for review of decisions

TABLE 21: NUMBER OF APPLICATIONS FOR REVIEW FINALISED BY THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL, BY OUTCOME, 2008/09 – 2010/11

OUTCOME	2008/09		2009/10		2010/11	
Original order/award set aside and new award made on review	2	14.3%	9	31.0%	6	26%
Award varied on review	–	–	1	3.4%	2	9%
Order affirmed on review	7	50.0%	7	24.1%	4	17%
Application for assistance remitted to original decision-maker for determination	–	–	2	6.9%	1	4%
Application for review dismissed	–	–	–	–	–	–
Application for review struck out / withdrawn / abandoned	5	35.7%	10	34.5%	10	43%
<b>TOTAL</b>	<b>14</b>	<b>100%</b>	<b>29</b>	<b>100%</b>	<b>23</b>	<b>100%</b>

TABLE 22: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE MADE OR VARIED BY THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ON REVIEW, AND AVERAGE AMOUNT OF FINANCIAL ASSISTANCE AWARDED ON REVIEW, 2008/09 – 2010/11

	2008/09	2009/10	2010/11
Number awards of assistance made or varied on review	2	10	8
Amount of financial assistance awarded on review	\$11,500	\$62,469	\$46,683
Average amount of financial assistance awarded on review	\$5,750	\$6,247	\$5,835

# Our Financial Report

In this section of the report we present information about the Tribunal's funding source, administrative costs, and the amount of financial assistance paid in the year under review.

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## Funding source

The costs and expenses of establishing, maintaining and administering the Tribunal, together with the amounts of financial assistance awarded by the Tribunal are paid out of the Consolidated Fund, which is appropriated to the necessary extent.<sup>29</sup>

## Financial assistance paid

In the year ending 30 June 2011, \$44,167,428 in financial assistance was paid by the Tribunal to victims of crime, service providers and legal practitioners, compared to \$39,929,279 in the previous year (increase of 11 per cent). This amount represents actual payments made in the reporting period, and does not include awards made in this or previous reporting periods that had not been paid as at 30 June 2011, or financial assistance awarded for expenses not yet incurred that may not been utilised by applicants.

## Operating costs

The administrative costs of the Tribunal are low as a result of being accommodated within Magistrates' Court venues, utilising magistrates as decision-makers, and having registrars of the Magistrates' Court support the Tribunal's administration.

In the year ending 30 June 2011, \$2,112,244 was appropriated for the Tribunal's operating costs, compared to \$2,563,485 in the previous year (a decrease of 18 per cent).<sup>30</sup>

Much of the Tribunal's operating costs, including the salaries of magistrates<sup>31</sup>, infrastructure costs and corporate services (such as human resource and finance functions), are absorbed by the Magistrates' Court of Victoria.

The operating costs largely comprise salaries and employee-related costs for positions funded by the Tribunal (67 per cent of operating budget, compared to 69 per cent in the previous year). The balance of the operating budget included expenditure associated with legal expenses incurred by the Tribunal, training and development (including the annual registry conference, a major training event for registrars), and a contribution to the costs of operating Magistrates' Court infrastructure (for example, rent and property services, utilities, repairs and maintenance, postage and communication, and stationery).

## Average cost per finalised claim

In the year ending 30 June 2011, the average cost per finalised application for financial assistance was \$332, compared to \$433 in the previous year (a decrease of 23 per cent).<sup>32</sup>

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29 Section 69(1) of the *Victims of Crime Assistance Act 1996*.

30 Refer to the financial statement on page 50 for further information about the Tribunal's expenditure.


31 Clause 10 of Schedule 1 to the *Magistrates' Court Act 1989* provides that the salaries, allowances and benefits payable to magistrates are to be paid out of the Consolidated Fund.

32 This has been calculated by dividing the Tribunal's operating costs for the year ending 30 June by the number of orders made finalising claims over the same period.

## Financial Statement for year ending 30 June 2011<sup>33</sup>

	NOTE	2008/09	2009/10	2010/11
<b>SPECIAL APPROPRIATIONS</b>	<b>1</b>			
Salaries, Overtime and Annual Leave		\$1,289,821	\$1,439,561	\$1,255,763
Superannuation		\$114,359	\$132,815	\$119,202
Payroll Taxation		\$69,221	\$79,464	\$70,659
Provision for Long Service Leave		\$-13,548	\$97,486	\$-44,048
Work Cover Levy		\$10,107	\$9,857	\$9,572
<b>TOTAL SALARIES AND ASSOCIATED EXPENDITURE</b>		<b>\$1,469,960</b>	<b>\$1,759,183</b>	<b>\$1,411,148</b>
<b>OPERATING EXPENDITURE</b>				
Travel and Personal Expenses		\$11,413	\$12,698	\$11,465
Printing, Stationery and Subscriptions		\$91,236	\$80,716	\$68,554
Postage and Communication		\$45,787	\$51,064	\$59,802
Contractors and Professional Services	2	\$139,406	\$431,346	\$309,941
Training and Development		\$39,414	\$18,684	\$30,679
Motor Vehicle Expenses		\$4,920	\$2,550	\$2,100
Operating Expenses		\$31,069	\$5,049	\$3,041
Witness Payments		\$995	\$330	\$1,337
Information Technology Costs		\$60,408	\$13,232	\$27,790
Rent and Property Services		\$108,458	\$126,138	\$127,669
Property Utilities		\$40,219	\$44,283	\$40,270
Repairs and Maintenance		\$30,316	\$18,212	\$18,448
<b>TOTAL OPERATING EXPENDITURE</b>		<b>\$603,641</b>	<b>\$804,302</b>	<b>\$701,096</b>
<b>TOTAL SALARIES AND OPERATING EXPENDITURE</b>		<b>\$2,073,601</b>	<b>\$2,563,485</b>	<b>\$2,112,244</b>
<b>SPECIAL APPROPRIATIONS</b>				
Award payments	3	\$31,050,578	\$39,929,279	\$44,167,428
<b>TOTAL AWARDS</b>		<b>\$31,050,578</b>	<b>\$39,929,279</b>	<b>\$44,167,428</b>

<sup>33</sup> This financial statement is based upon financial data available as at 22 July 2011.



## Notes to and forming part of the financial statement

### Note 1

The special appropriation for the salaries and on-costs of tribunal members (magistrates) during the reporting period is reported in the annual report of the Magistrates' Court of Victoria for the year ending 30 June 2011.

### Note 2

The increase in expenditure for *contractors and professional services* over the last two financial years is as a result of the Tribunal incurring higher legal costs in the year under review, and the engagement of a temporary staff member through a recruitment company.

### Note 3

*Award payments* represents actual payments made for expenses, lump sum payments to applicants and legal costs paid in the reporting period. This does not include awards of financial assistance that were made in the reporting period but not paid as at 30 June.

# Our Directory of Tribunal Members

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## Chief Magistrate

Mr Ian Leslie Gray

## Deputy Chief Magistrates

Ms Felicity Anne Broughton

Mr Peter Henry Lauritsen

Mr Lance Ivan Martin

Mr Daniel John Muling

Ms Jelena Popovic

## Magistrates

Mr Henry Clive Alsop

Ms Susan Jane Armour

Ms Donna Bakos

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt

Ms Luisa Rita Bazzani

Mr John Stephen Bentley

Mr Ross Frederick Betts

Ms Susan Adele Blashki

(retired 8 April 2011)

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Mr Gerard Robert Bryant

Mr Darrin Cain

(appointed 19 July 2011)

Ms Suzanne Lara Cameron

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke Cashmore

Ms Amanda Jane Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sharon Elizabeth Cure

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr Peter Gordon Dotchin

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

(retired 3 December 2010)

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Ms Jane Catherine Gibson

Mr Phillip Goldberg

Ms Jennifer Anne Benn Goldsbrough

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

Mr Maurice Gurvich

(retired 12 November 2010)

Ms Margaret Gill Harding

Mr John William Hardy

Ms Annabel Mary Hawkins

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Ms Michelle Therese Hodgson

Mr Franz Johann Holzer

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones

(retired 1 July 2011)

Mr Graeme Douglas Keil

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio LaRosa

Mr John Leon Lesser

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Jan Maree Maclean

(appointed 28 June 2011)

Ms Kay Helen Macpherson

Ms Ann Judith McGarvie

(appointed 28 September 2010)



Mr Andrew Richard McKenna  
(appointed 17 May 2011)

Mr Gregory Laurence McNamara

Mr Peter Harry Mealy

Mr Peter Mellas

Ms Johanna Margaret Metcalf

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan

Mr William John George O'Day

Ms Julie Ann O'Donnell

Ms Denise Mary O'Reilly

Ms Kim Michelle Willmott Parkinson

Mr Anthony William Parsons

Mr Richard John Pithouse

Ms Roslyn Jane Porter

Mr Peter Thomas Power<sup>34</sup>  
(retired 3 February 2011)

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

Mr Paul Anthony Smith

Ms Sharon Elizabeth Smith

Ms Paresa Antoniadis Spanos

Ms Pauline Therese Spencer

Ms Heather Margaret Spooner

Ms Fiona Margaret Stewart

Ms Stella Maria Dolores Stuthridge  
(appointed 28 September 2010)

Ms Noreen Mary Toohey

Ms Jennifer Beatrix Tregent

Mr Jack Vandersteen

Mr Ian Maxwell Von Einem

Ms Susan Melissa Wakeling

Ms Belinda Jane Wallington

Mr Ian John Watkins  
(appointed 2 February 2011)

Mr Ian Treloar West

Mr Michael Gerard Wighton

Mr Brian Robert Wright

Mr Richard Thomas Wright

### **Acting Magistrates**

Mr Brian Stirtevant Barrow

Mr John Douglas Bolster

Mr Brian Joseph Clifford

Ms Michelle Pauline Elizabeth Ehrlich

Mr Thomas Kevin Hassard  
(appointed 19 July 2011)

Ms Gail Anne Hubble  
(appointed 28 September 2010)

Mr Timothy John McDonald

Mr Ian Thomas McGrane

Mr Steven Raleigh

Ms Stella Maria Dolores Stuthridge<sup>35</sup>  
(to 27 September 2010)

Mr William Peter White  
(appointed 19 July 2011)

Mr Terry John Wilson

Mr Lionel Cedric Winton-Smith  
(retired 7 January 2011)

Mr Francis Patrick Zemljak

<sup>34</sup> Magistrate Power was appointed as an acting Magistrate on 4 February 2011 following his retirement.

<sup>35</sup> Acting Magistrate Stuthridge was appointed as a full time Magistrate on 28 September 2010.

# Our Locations

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## ARARAT

Cnr Barkly & Ingor Streets  
PO Box 86  
Ararat 3377  
Ph: 03 5352 1081  
Fax: 03 5352 5172

## BACCHUS MARSH

Main Street  
PO Box 277  
Bacchus Marsh 3340  
Ph: 03 5367 2953  
Fax: 03 5367 7319

## BAIRNSDALE

Nicholson Street  
PO Box 367  
Bairnsdale 3875  
DX 214191  
Ph: 03 5153 1000  
Fax: 03 5152 1405

## BALLARAT

100 Grenville Street South  
PO Box 604  
Ballarat 3350  
DX 214276  
Ph: 03 5336 6200  
Fax: 03 5336 6213

## BENALLA

Bridge Street  
PO Box 258  
Benalla 3672  
DX 214472  
Ph: 03 5761 1400  
Fax: 03 5761 1413

## BENDIGO

71 Pall Mall  
PO Box 930  
Bendigo 3550  
DX 214508  
Ph: 03 5440 4140  
Fax: 03 5440 4173

## BROADMEADOWS

Cnr Pearcedale Parade  
& Dimboola Road  
PO Box 3235  
Broadmeadows 3047  
DX 211268  
Ph: 03 9221 8900  
Fax: 03 9221 8901

## CASTLEMAINE

Lyttleton Street  
PO Box 92  
Castlemaine 3450  
Ph: 03 5472 1081  
Fax: 03 5470 5616

## COBRAM

Cnr Punt Road & High Street  
Cobram 3644  
(C/- Box 607 Shepparton  
3630)  
Ph: 03 5872 2639  
Fax: 03 5871 2140

## COLAC

Queen Street  
PO Box 200  
Colac 3250  
DX 215272  
Ph: 03 5231 5455  
Fax: 03 5232 1054

## COLLINGWOOD

(Neighbourhood Justice  
Centre)  
241 Wellington Street  
PO Box 1142  
Collingwood 3066  
DX 211512  
Ph: 03 9948 8777  
Fax: 03 9947 8799

## CORRYONG

Jardine Street  
Corryong 3707  
(C/- Box 50 Wodonga 3690)  
Ph: 02 6043 7000  
(Wodonga)

## DANDENONG

Cnr Foster & Pultney Streets  
PO Box 392  
Dandenong 3175  
DX 211577  
Ph: 03 9767 1300  
Fax: 03 9767 1352

## DROMANA

Codrington Street  
PO Box 105  
Dromana 3936  
Ph: 03 5984 7400  
Fax: 03 5984 7414

## ECHUCA

Heygarth Street  
PO Box 76  
Echuca 3564  
Ph: 03 5480 5800  
Fax: 03 5480 5801

## EDENHOPE

Shire Offices  
West Wimmera Shire Council  
49 Elizabeth Street  
Edenhope 3318  
(C/- PO Box 111,  
Horsham 3400,  
DX 216519)  
Ph: 03 5362 4444  
(C/- Horsham Court)

## FRANKSTON

Fletcher Road  
PO Box 316  
Frankston 3199  
DX 211788  
Ph: 03 9784 5777  
Fax 03 9784 5757

## GEELONG

Railway Terrace  
PO Box 428  
Geelong 3220  
DX 216046  
Ph: 03 5225 3333  
Fax: 03 5225 3392

## HAMILTON

Martin Street  
PO Box 422  
Hamilton 3300  
DX 216376  
Ph: 03 5572 2288  
Fax: 03 5572 1653

## HEIDELBERG

Jika Street  
PO Box 105  
Heidelberg 3084  
DX 211906  
Ph: 03 8458 2000  
Fax: 03 8458 2001

### **HOPETOUN**

Shire Offices  
Shire of Karkaroc  
75 Lascelles Street  
Hopetoun 3396  
(C/- Box 111, Horsham 3400,  
DX 216519)  
Ph: 03 5362 4444  
(C/- Horsham Court)

### **HORSHAM**

Roberts Avenue  
PO Box 111  
Horsham 3400  
DX 216519  
Ph: 03 5362 4444  
Fax: 03 5362 4454

### **KERANG**

Victoria Street  
PO Box 77  
Kerang 3579  
DX 216739  
Ph: 03 5452 1050  
Fax: 03 5452 1673

### **KORUMBURRA**

Bridge Street  
PO Box 211  
Korumburra 3950  
Ph: 03 5658 0200  
Fax: 03 5658 0210

### **KYNETON**

Hutton Street  
PO Box 20  
Kyneton 3444  
Ph: 03 5422 1832  
Fax: 03 5422 3634

### **LATROBE VALLEY**

134 Commercial Road  
PO Box 687  
Morwell 3840  
DX 217729  
Ph: 03 5116 5222  
Fax: 03 5116 5200

### **MANSFIELD**

Cnr High & Highett Street  
PO Box 105  
Mansfield 3722  
Ph: 03 5775 2672  
Fax: 03 5775 3003

### **MARYBOROUGH**

Clarendon Street  
PO Box 45  
Maryborough 3465  
Ph: 03 5461 1046  
Fax: 03 5461 4014

### **MELBOURNE**

233 William Street,  
GPO Box 882G  
Melbourne 3001  
Phone: 9628 7777  
Toll free: 1800 882 752  
Fax: 9628 7853

### **MILDURA**

56 Deakin Avenue  
PO Box 5014  
Mildura 3500  
DX 217506  
Ph: 03 5021 6000  
Fax: 03 5021 6010

### **MOE**

Lloyd Street  
PO Box 87  
Moe 3825  
DX 217629  
Ph: 03 5127 4888  
Fax: 03 5127 8780

### **MOONEE PONDS**

Kellaway Avenue  
Moonee Ponds 3039  
(C/- PO Box 3235  
Broadmeadows 3047)  
Ph: 03 9370 7111  
Fax: 03 9370 5067

### **MOORABBIN**

1140 Nepean Highway  
PO Box 2042 Moorabbin  
Highett 3190  
DX 212145  
Ph: 03 9090 8000  
Fax: 03 9090 8001

### **MYRTLEFORD**

Myrtle Street  
Myrtleford 3737  
Ph: 03 5752 1868  
Fax: 03 5752 1981

### **NHILL**

110 MacPherson Street  
Nhill 3418  
(C/- PO Box 111,  
Horsham 3400)  
Ph: 03 5391 1207

### **OMEEO**

Shire Offices  
Day Avenue  
Omeo 3898  
(C/- Box 367  
Bairnsdale 3875)  
DX 214191

### **ORBOST**

Wolsley Street  
Orbost 3888  
(C/- Box 367 Bairnsdale 3875  
DX 214191)  
Ph: 03 5154 1328

### **OUYEN**

Shire Offices  
Oke Street  
Ouyen 3490  
(C/- PO Box 5014,  
Mildura 3500)  
Ph: 03 5023 0519

### **PORTLAND**

67 Cliff Street  
PO Box 374  
Portland 3305  
Ph: 03 5523 1321  
Fax: 03 5523 6143

### **PRESTON**

Cnr Roseberry Avenue  
& Kelvin Grove  
PO Box 268  
Preston 3072  
DX 212407  
Ph: 03 9470 2768  
Fax: 03 9478 4957

**RINGWOOD**

Ringwood Street  
PO Box 333  
Ringwood 3134  
DX 212456  
Ph: 03 9871 4444  
Fax: 03 9871 4463

**ROBINVALE**

George Street  
Robinvale 3549  
(C/- Box 5014 Mildura 3500)  
Ph: 03 5026 4567

**ST ARNAUD**

Napier Street  
PO Box 17  
St Arnaud 3478  
Ph: 03 5495 1092  
Fax: 03 5495 1367

**SALE**

Foster Street  
(Princes Highway)  
PO Box 351  
Sale 3850  
DX 218574  
Ph: 03 5144 2888  
Fax: 03 5144 7954

**SEYMOUR**

Tallarook Street  
PO Box 235  
Seymour 3660  
DX 218685  
Ph: 03 5735 0100  
Fax: 03 5735 0101

**SHEPPARTON**

High Street  
PO Box 607  
Shepparton 3630  
DX 218731  
Ph: 03 5821 4633  
Fax: 03 5821 2374

**STAWELL**

Patrick Street  
PO Box 179  
Stawell 3380  
Ph: 03 5358 1087

**SUNSHINE**

10 Foundry Road  
PO Box 435  
Sunshine 3020  
DX 212686  
Ph: 03 9300 6200  
Fax: 03 9300 6269

**SWAN HILL**

Curlewis Street  
PO Box 512  
Swan Hill 3585  
DX 218991  
Ph: 03 5032 1352  
Fax: 03 5033 1955

**WANGARATTA**

Faithful Street  
PO Box 504  
Wangaratta 3677  
DX 219436  
Ph: 03 5721 0900  
Fax: 03 5721 5483

**WARRNAMBOOL**

218 Koroit Street  
PO Box 244  
Warrnambool 3280  
DX 219592  
Ph: 03 5564 1111  
Fax: 03 5564 1100

**WERRIBEE**

Cnr Duncans Road  
& Salisbury Street  
PO Box 196  
Werribee 3030  
DX 212868  
Ph: 03 9974 9300  
Fax 03 9974 9301

**WODONGA**

5 Elgin Boulevard  
PO Box 50  
Wodonga 3690  
DX 219762  
Ph: 02 6043 7000  
Fax: 02 6043 7004

**WONTHAGGI**

Watt Street  
PO Box 104  
Wonthaggi 3995  
Ph: 03 5672 1071  
Fax: 03 5672 4587



