

VICTIMS OF
CRIME ASSISTANCE
TRIBUNAL

2012–13
Annual Report



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Letter to Minister

30 September 2013

The Honourable Robert Clark MP
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 2013.

The report sets out the performance of the Tribunal's functions, powers and duties during the year under review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Lauritsen', with a long horizontal line extending to the right.

Peter Lauritsen
Chief Magistrate

Chief Magistrate's Message



CHIEF MAGISTRATE
PETER LAURITSEN

It is now 40 years since the commencement of government-funded assistance for victims of crime in Victoria. The Crimes Compensation Tribunal commenced operations in March 1973. It was replaced by the Victims of Crime Assistance Tribunal (VOCAT) in June 2007.

VOCAT is not the only source of assistance for victims of crime. Some will pursue other entitlements such as compensation orders under the *Sentencing Act 1991*, applications to the Transport Accident Commission or under the *Accident Compensation Act 1985* or claims for damages. However, for many victims, VOCAT is the only avenue of assistance for payment of medical, counselling and other expenses to assist recovery. This is because many offenders are impecunious, some are never caught and some intimidate their victims to such an extent that the process of obtaining compensation is too traumatic. For many victims of crime, VOCAT is the only forum where they can have their say about the impact of violent crime and receive acknowledgement of their loss and suffering. VOCAT is proud to be a part of a forty-year history of providing this valuable service to the citizens of Victoria.

This year the Tribunal finalised 6,894 applications for assistance – the highest number ever in a single year. There was a slight decrease in the number of applications received – 5,863 this year, compared to 6,163 applications in the last reporting period. The number of pending applications on 30 June 2013 also decreased to 6,370 compared with 6,957 in the previous year. No doubt, the increased finalisations and reduction in the number of pending applications are partly attributable to the reduced number of applications received, but I believe the Tribunal's continued attention to improving its efficiency, also influences these outcomes. Improved efficiencies have included the increased use of judicial registrars to deal with many of the less complex applications, of registrars making interim awards and improved case management procedures.

While the number of applications has decreased slightly in the last two years, I do not anticipate this trend will continue. Application numbers were increasing until the 2011 financial year partly, I think, because of increased reporting and policing of family violence offending and major incidents such as the Victorian bushfires. In the 2013-2014 financial year, factors such as continuing media attention to victims of crime, additional funding for the Victims Assistance and Counselling Programs and the expansion of the Victoria Police SupportLink Project are likely to increase the number of VOCAT applications.

This year, the Tribunal awarded financial assistance of \$43.7 million to victims of crime. If legal costs are included, the amount was \$49.1 million compared to \$47.8 million in the 2011-2012 financial year, an increase of 2.8 per cent. The average amount of financial assistance awarded to each applicant was \$7,763. The average amount of special financial assistance was \$3,194.

I would like to express my appreciation of VOCAT's registry staff. They hold unique positions in the Magistrates' Court because they closely manage VOCAT applications gathering information to ensure Tribunal members have the evidence they need to make timely decisions about victims' entitlements. The volume of work is high and they have frequent direct contact with victims of crime through phone conversations and correspondence. A professional and empathic approach is essential because many of the victims they speak to are traumatised by their experiences of violent crime. The Tribunal values their contribution.

I also express my thanks to the senior registrars, judicial registrars and magistrates who participate in the VOCAT Coordinating Committee for their leadership and dedication. In particular, I thank Amanda Chambers, Andrew Capell and Catherine Lamble for their hard work as Supervising Magistrates and Melanie Quinn, who stepped into the role of Acting Principal Registrar during the last financial year.

About VOCAT

The Victims of Crime Assistance Tribunal (VOCAT) is an integral part of Victoria's criminal justice system. By providing assistance to help victims recover – and a forum in which they can fully express their experiences of violence – we acknowledge the effects of violent crime on our community.

Who we are

VOCAT is now in its 16th year of operation and was established by the *Victims of Crime Assistance Act 1996* (the Act). We are located within the Magistrates' Court of Victoria and operate at all 54 Court venues across the state. Each of the Court's 115 magistrates and 12 reserve magistrates, including the Chief Magistrate, are also Tribunal members.

VOCAT is unique in being an administrative tribunal within the Court, constituted by members who are also magistrates of the Court. This means victims of crime gain acknowledgement of their experiences by a judicial officer in the criminal justice system, but in the more flexible, informal and intimate manner afforded by an administrative tribunal.

The Chief Magistrate is responsible for the arrangement of VOCAT's business, and appoints Supervising Magistrates to support VOCAT's effective operation. Since January 2013, Catherine Lambie and Andrew Capell have jointly supervised the Tribunal.

Supervising Magistrates encourage best practice across the regions, and are responsible for liaising with the magistracy, staff and community in relation to issues relevant to VOCAT. They provide feedback and make recommendations to improve the procedural framework VOCAT operates within. Additionally, they have input into developments within the wider justice system that may affect victims of crime.

VOCAT has a Coordinating Committee that supports the Supervising Magistrates to carry out these duties.

The Chief Magistrate has delegated certain powers under the Act to judicial registrars, VOCAT's Principal Registrar and other registrars.

What we do

VOCAT supports victims to recover from violent crimes committed in Victoria. We acknowledge their pain and suffering, and provide assistance to help meet the costs of their recovery.

VOCAT determines who is eligible to receive financial assistance in accordance with the Act. We can make awards to cover:

- » funeral expenses
- » the reasonable costs of counselling
- » medical and safety-related expenses
- » 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.

VOCAT also has the power to make lump sum payments to certain victims of crime. These payments are offered as symbolic expressions of our community's recognition of – and empathy towards – victims and their distress.

In the last 16 years, VOCAT has received 68,636 applications for financial assistance, and awarded \$551 million to victims of crime. This has included 54,830 awards of financial assistance, and thousands of awards of interim financial assistance.

Applications to VOCAT have increased almost every year. There were just over 1,000 applications in 1997–98, while almost 6,000 applications were received in the current reporting period.

Supervising Magistrate Andrew Capell: A Greater Voice

This year has marked the 40th anniversary of the first legislation in Victoria, which specifically recognised victims of crime namely the *Criminal Injuries Compensation Act 1972* which came into operation on 27th March 1973.

In reflecting upon this milestone I decided to look at the Parliamentary debates preceding the introduction of the *Criminal Injuries Compensation Act 1972*, the *Criminal Injuries Compensation Act 1983*, the *Sentencing (Victim Impact Statement) Act 1994*, the *Victims of Crime Assistance Act 1996*, the *Victims of Crime (Amendment) Act 2000* and the *Victims' Charter Act 2006*. From humble beginnings in 1973, recognition of the victim in the criminal justice process has come a long way.

In 2013, the focus of the *Victims of Crime Assistance Act 1996* remains on providing assistance to victims to assist in their recovery from the effects of violent crime and a recognition, by the State, of their experiences.

When one looks at the development of victim impact statements, they too have fulfilled the same purpose. One of the benefits identified by their introduction was the therapeutic benefit namely the empowerment of the victim and aiding the healing process. Just as the victim impact statement has given the victim the opportunity to be heard on the question of sentencing, so too has the Crimes Compensation Tribunal and now Victims of Crime Assistance Tribunal, given the victim the opportunity to have a voice.

In the Parliamentary debates on the introduction of victim impact statements in April 1994, the then member for Bayswater, Mr Ashley, stated "the effect of victim impact statements is to redefine the victim as the subject of a crime, not the object of it: as living flesh, as a person, as a human being with feelings and emotions, a person who has been hurt and has suffered pain and suffering". These sentiments could equally be applied to the role and purpose of the Victims of Crime Assistance Tribunal.

For over twenty years now magistrates have heard applications made by victims of crime in the Crimes Compensation Tribunal and now the Victims of Crime Assistance Tribunal. Those magistrates have also, contemporaneously, sat in the criminal jurisdiction of the Magistrates' Court. Judges of the Supreme and County Courts have had the benefit of victim impact statements since 31st May 1994. Despite the occasional protestation that judicial officers are out of touch with what people in the community really feel, judicial officers across all criminal jurisdictions are confronted daily with the very matters referred to by Mr Ashley in 1994 and obliged by law to take into account, in sentencing, "the impact of the offence on any victim of crime". That is not to say that the system is perfect but hark back to 1972 and you would have to say that victims have a much greater voice whilst the accused have not lost their right to a balanced and fair criminal process.



How much has changed in community attitudes, policing and recognition of victims is perhaps best exemplified in the debate over the Criminal Injuries Compensation Bill 1972 when it was determined that it would be inappropriate for domestic partners to be entitled to compensation. Mr Maclellan, the then Member for Gippsland West, stated, "it is uncomfortable enough when members of the police force are asked to attend a household to quieten things down. All honourable members are glad that charges rarely arise from such situations...usually only minor charges arise from domestic brawls."

In 1972, it was deemed inappropriate for victims of domestic violence to receive compensation. In 2013, victims of domestic violence are regularly recognised by virtue of awards for special financial assistance, medical and psychological treatment, safety related expenses and other assistance to assist in recovery from acts of violence.

A lot has changed for victims in forty years. As judicial officers, Tribunal members and as a community I believe we are far more aware of the consequences of crime on individuals than our counterparts in 1973.

Supporting Victims of Crime

Before they seek VOCAT's assistance, victims may have spent months, or even years, dealing with the after-effects of violent crime. Apart from crime's obvious physical or psychological impacts, the process of helping police with investigations, being a witness in court, and trying to get their lives back on track can also affect victims' health and wellbeing. VOCAT can help to validate their experiences and restore a sense of dignity, while providing financial help to assist a victim's recovery.

Accessing VOCAT

VOCAT has strong links with the Victims Support Agency (VSA), Victims Helpline and the statewide network of victim support services and programs. Many victims of crime learn about VOCAT either from the Victims Helpline, the police, Victims Assistance and Counselling Program, or other victim support services. These services can support victims through the process of applying to VOCAT for financial assistance. Victims can also receive assistance from lawyers.

Who can apply?

VOCAT can award financial assistance to primary, secondary, and related victims, or anyone else who must pay funeral expenses for a person who died as the result of a violent crime.

A **primary victim** is a person who is injured or dies as a direct result of a violent crime, or a person who is injured or dies trying to assist a victim of a violent crime or trying to prevent a violent crime.

A **secondary victim** is a person who is injured as a result of:

- » being present at and witnessing a violent crime or
- » being a parent or guardian of a child who is a primary victim.

Where a primary victim has died, a **related victim** is a person who was at the time of the crime:

- » a close family member of the victim
- » in an intimate personal relationship with the victim or
- » a dependent of the victim.

An injury can be physical or psychological, and includes pregnancy or the exacerbation of a pre-existing psychological illness/disorder. It does not include an injury resulting from property loss or damage.

The application process

It is free to apply to VOCAT. All applicants must, however, complete and lodge an Application for Assistance form, available at www.vocat.vic.gov.au or from any Magistrates' Court venue in Victoria.

Applicants can usually lodge forms at the Court venue closest to where they live, however, applications must be lodged at the Melbourne Magistrates' Court if:

- » they relate to the death of a person
- » the applicant lives outside Victoria or
- » the applicant identifies as Aboriginal or Torres Strait Islander (for inclusion in the Koori VOCAT List).

Applications must generally be lodged within two years of the crime, however in some circumstances VOCAT can extend this timeframe. In making this decision, VOCAT will consider issues such as the applicant's age at the time of the crime, their mental health, and whether the person who committed the crime was in a position of power, influence or trust in relation to the applicant.

"For many victims of crime, VOCAT is the only forum where they can have their say about the impact of violent crime and receive acknowledgement of their loss and suffering."

CHIEF MAGISTRATE PETER LAURITSEN



Most applicants are legally represented and the Victims Assistance and Counselling Program or Law Institute of Victoria can help applicants find lawyers to assist with their applications. VOCAT usually covers the reasonable cost of the lawyer's fees, and lawyers cannot bill clients for a VOCAT application without VOCAT's approval.

What happens after an application is lodged?

VOCAT has investigative powers to help make its decisions. Once an application is lodged, we ask Victoria Police for information to help determine whether a crime occurred, and whether the applicant is a victim of that crime. We also obtain from police the criminal history of the alleged offender and of the victim. In many cases police can also provide information about a victim's injuries. The Tribunal can also obtain information from hospitals where the victim was treated.

We ask applicants to provide all the documents they will rely upon to support their claims, for example, if authorised, reports from treating health professionals and psychologists. Applicants have four months to provide this information, however they can request further time, if needed.

We provide every opportunity for applicants to file supporting documents, but if we do not receive them, the claim can be struck out. Applicants can ask to have claims reinstated if they subsequently provide supporting documents.

We may ask an applicant or, more usually, their lawyer to attend directions hearings to decide any preliminary questions, provide guidance about preparation of the application and help manage applicants' expectations. This can assist us to make decisions more quickly without creating additional stress for applicants.

How long before a result?

The Act and general rules of procedural fairness mean VOCAT is required to have regard to matters that can impact on the time it takes to finalise an application. These may include:

- » awaiting the outcome of a criminal investigation, trial or inquest
- » the need for further enquiries or, in some cases, for the alleged offender be notified of the application
- » waiting for an injury to stabilise so an accurate prognosis can be provided and
- » in related victim applications, identifying and communicating with all potential related victims of the deceased to advise them of their rights in relation to VOCAT.

Applicants can request that VOCAT determine their application with or without the need to appear at a hearing. Many straightforward applications are decided without the need for a hearing, which is the best way to ensure victims receive the assistance they need without unnecessary delay.

Sometimes, a hearing is necessary. If a hearing takes place it is usually within six weeks of a VOCAT member deciding to conduct it. If an applicant asks for a hearing, it generally happens within six to ten weeks of the applicant filing all supporting material.

Applicants who need urgent assistance (e.g. for counselling, funeral or safety related expenses) can seek an interim award of financial assistance. If awarded, this can be paid to them before VOCAT makes a final decision on the merits of their application.



The hearing process

Our intention is to create a sympathetic and compassionate forum for applicants to relate their experiences as victims of crime. The hearing process can assist in restoring an individual victim's sense of dignity. It can also help applicants to better understand their place in the criminal justice system, or, if they have not been awarded the level of assistance sought, the reasons why.

Although located in the Magistrates' Court, VOCAT is not a court. VOCAT hearings are less formal, and do not have set rules about what evidence is allowed or the manner in which evidence can be given. Instead, members hearing applications can investigate, inquire, and gather any information needed to help make a decision, in the way they think is most appropriate to the circumstances of the application.

Members conduct hearings in a demonstrably victim-centred way. For example, they may sit down at the table with applicants and encourage them to talk openly about their experiences. Engaging in this way allows members to address the emotional impact of crime on victims, and more carefully tailor financial assistance to help in their recovery. Applicants can also ask for hearings to be 'closed' (kept private) and can bring any support people they wish. The Tribunal may also, on its own initiative, direct that the whole or any part of the hearing be closed to members of the public.

Related victim hearings usually occur some time after the primary victim's death. A hearing can offer families the opportunity to talk together about the deceased family member, and the impact that the death and the criminal justice process has had on them.

In situations where we are asked to decide whether a crime occurred, we may consider it appropriate to ask alleged offenders if they want to be heard. To reduce any possible stress and anxiety where an alleged offender is notified, VOCAT will generally meet the cost of the alleged offender's legal representation and make directions for the hearing to be conducted in a manner which limits contact between the parties, for instance, by having a party give evidence via a video-link.

How we make decisions

VOCAT makes decisions in accordance with the Act. Our role is to ensure victims receive their full entitlement under the Act, however the legislation governing VOCAT also requires us to have regard to other factors, such as the victim's level of co-operation with police, any conduct of the victim that contributed to the crime and the criminal history of the applicant.

As with other administrative tribunals, VOCAT decides questions of fact on the balance of probabilities (i.e. more likely than not) rather than 'beyond reasonable doubt'. This means VOCAT can find that a crime occurred, even if a criminal court has found the alleged offender not guilty. This in itself can provide a sense of closure for some victims.

VOCAT can therefore award financial assistance even though no one has been charged with, found guilty of, or convicted of an offence arising from the act of violence committed.

Before we award financial assistance, we must first be satisfied, on the balance of probabilities, that:

- » a violent crime occurred
- » the applicant is a primary, secondary or related victim of that crime, or a person who has incurred funeral expenses
- » the applicant is eligible to receive the assistance and
- » the applicant does not qualify for financial assistance from another source for the loss or expense sought from VOCAT.

In deciding whether or not to make an award, or what amount should be awarded, we must also take into account:

- » whether the applicant reported the crime to police within a reasonable time, and to what extent the applicant assisted police in their investigations
- » the applicant's conduct and attitude before, during and after the crime, and their character, including any past criminal activity and
- » whether the offender will benefit from an award made to the applicant.

"In 1972, it was deemed inappropriate for victims of domestic violence to receive compensation. In 2013, victims of domestic violence are regularly recognised by virtue of awards for special financial assistance, medical and psychological treatment, safety related expenses and other assistance to assist in recovery from acts of violence"

SUPERVISING MAGISTRATE ANDREW CAPELL

Any financial assistance available under the Act may be awarded only where compensation cannot be obtained from another source. We therefore take into account any damages, compensation, assistance or payment the applicant has received, or is entitled to receive, from other sources such as claims against the offender, WorkCover, the Transport Accident Commission and insurance schemes.

VOCAT can require applicants 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 injuries suffered as a result of a violent crime.

What we can award

The type and amount of financial assistance we can award is set out in the Act and differs between primary, secondary and related victims. In all cases, the amount must be reasonable, and the expenses claimed must have directly resulted from the crime. We must also be satisfied on the evidence that the type and amount of assistance sought will help the victim recover from the effects of the crime.

Types of assistance

Where VOCAT finds an applicant is a victim of crime, it can award financial assistance for past or future reasonable expenses associated with:

- » counselling
- » medical treatment, including dental, optometry, physiotherapy, hospital and ambulance
- » lost or damaged clothing worn at the time of the crime
- » measures to help a victim feel safe, for example, change of locks and other measures to increase home security
- » providing a funeral for a deceased victim and
- » in exceptional circumstances, VOCAT can award any other type of assistance that will go to the heart of assisting victims in their recovery. Examples include tutoring costs to assist child victims to refocus on their schooling, training to allow victims to return to work and some alternative approaches to healing.

We can authorise payment of future expenses such as ongoing counselling, surgery, or safety expenses. After such services or goods have been provided to the victim and we have received the invoice or receipt, we pay the service provider or reimburse the victim.

In addition to the expenses outlined above, we can award up to \$20,000 for lost earnings for primary or secondary victims, covering a period of up to two years after the crime. This is intended to help victims who are unable to work as a direct result of the crime.

We can also 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.

The Tribunal has adopted guidelines about the amounts payable for counsellor's fees, legal costs and funeral expenses. These guidelines help the Tribunal decide whether claims are reasonable and to ensure consistency.

Special financial assistance

In some cases, we can award a 'special financial assistance' lump sum (up to \$10,000) directly to a primary victim. This is not intended to reflect what could be obtained at common law, or compensate for the harm a victim has suffered. It is meant as a tangible and symbolic expression by the State of the community's sympathy and concern for victims of violent crime.

We determine the amount of special financial assistance according to the category of crime as set out in the Victims of Crime Assistance (Special Financial Assistance) Regulations 2011, and the particular circumstances of the primary victim or the injury suffered.

Amount of financial assistance available

The amounts of financial assistance VOCAT can award are not intended to compensate victims for their loss. They are instead intended to provide a level of targeted assistance for victims' recovery, and an expression of the community's sympathy for, and recognition of, victims' suffering.

We can award:

- » **a primary victim** up to \$60,000 for reasonable expenses and lost earnings, plus any special financial assistance up to an amount of \$10,000
- » **a secondary victim** up to \$50,000 for reasonable expenses, and, in exceptional circumstances, lost earnings suffered as a direct result of the crime and for some secondary victims, expenses to assist recovery and
- » **a related victim** financial assistance of up to \$50,000. Within this sum may be awarded an amount in recognition of their distress, (or in the case of a child, likely future distress) as a result of the primary victim's death. Where there is more than one related victim of a deceased primary victim, the overall maximum amount of financial assistance we can award to all related victims is limited to \$100,000, unless exceptional circumstances exist. As much as possible, we involve families in decision-making to ensure we award assistance where it is most needed.

Awards held in trust

Awards of financial assistance to a child under 18 years, or a person incapable of managing his or her affairs due to injury, illness or physical or mental infirmity, will be held in trust until the child turns 18 or as the Tribunal otherwise orders.

Appeal rights

An applicant who is not satisfied with VOCAT's decision can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision. VCAT can conduct a new hearing, including considering any new evidence, and can:

- » confirm or vary the original order
- » make a new order or
- » return the application to VOCAT to be reconsidered.

Koori VOCAT List

While all VOCAT hearings are generally flexible and informal, the Koori VOCAT List enables us to respond with maximum flexibility to the particular circumstances of Koori applicants. Steps are taken to create a culturally safe environment for Koori victims of crime. Aboriginal flags and artworks are displayed, and hearing rooms are ceremonially smoked before they can be used.

In operation since 2006, the List was introduced to help overcome barriers faced by Koori victims of crime in accessing the financial assistance and acknowledgements to which they may be entitled under the Act.

A small number of dedicated VOCAT members – and the Koori VOCAT List Registrar – intensively case manage applications within the List. The Registrar, and all the members who sit on the VOCAT Koori list, participate in cultural awareness training to give them an understanding of the issues Koori victims of crime face.

Koori List applications must satisfy the same requirements as the general list before we can make an award of financial assistance. Sometimes, as a result of entrenched disadvantage and dislocation, Koori victims of crime have a range of other legal and personal issues that need addressing in a holistic way. The Koori VOCAT List is designed to flexibly respond to applicants experiencing these needs.

"You cannot begin to deal with or understand the issues faced by Koori victims of crime until there is an acknowledgement of their history and background."

MAGISTRATE ANN COLLINS

Magistrate Ann Collins: Cultural Connections

In both hearings and awards, the Koori VOCAT List makes cultural connection its highest priority.

The Koori VOCAT list has at its priority the interests of ensuring that Aboriginal and Torres Strait Islanders are aware of and have access to their entitlements under the *Victims of Crime Assistance Act 1996*.

Mistrust of the system, communication issues and poor cultural understandings have led to many Koori victims of crime not getting the recognition and financial assistance to which they are entitled. Respect for culture – to make the processes and procedure of the Koori VOCAT list culturally appropriate is therefore an important part of the list

You cannot begin to deal with or understand the issues faced by Koori victims of crime until there is an acknowledgement of their history and background.

Respect is shown to culture by the acknowledgement to country that occurs before each sitting.

To ensure that the voices of the applicants are heard the list operates with as much informality as is possible. The tribunal member sits at a table with the applicant and their legal representative. Applicants are encouraged to bring family or support people to sit at the table. The idea is to create an environment that encourages communication.

Because of its informality, the VOCAT Koori List allows detailed and personal information to come out. There's no formal swearing in to a witness box, it's not adversarial; it's about actually hearing what people have to say. The Tribunal member and the lawyers are quiet and the applicant is the one who has the voice. So you get genuine information about what they need to assist them.

For example, a female victim of crime had removed herself from an awful environment, experiencing domestic violence. She requested a holiday for her and her kids as an award. But during the hearing, she mentioned having no contact with her country. By just having the chance to sit and talk, she raised issues around family, being on her own, and mentioned that her family was in another state. It became apparent that she would like to go back there and make connections. Instead of making an award for a holiday, we made an award for a trip to her home state where she and her kids had the chance to reconnect with her country and family members.



She was an amazingly strong woman and she was in a space within herself where she was ready to do that work of reconnection, which she knew would be confronting. But she did it. And to know that she had the support of a government agency to do that, when it was perhaps a government agency that removed her to start with, was a nice circular way back for her to being connected with country. So it was a really powerful day and a great cultural outcome, when she received that award from VOCAT.

The Tribunal – Year in Review

Through the sustained efforts of our VOCAT members, judicial registrars, registrars and staff, this year we finalised a record number of applications. We achieved this while working within our existing resources and continuing to accommodate historically high numbers of lodgements, many of which are also growing in complexity.

Applications lodged

We received 5,863 applications for financial assistance in the reporting period, which is fewer than last year's number of 6,163. Female applicants again comprised the majority, at 51.9 per cent, compared to 52.2 per cent in the previous year.

Applications arising from allegations of assault comprised 55.8 per cent of applications. This is similar to last year when applications for assault were 55 per cent. Male applicants made up 58.1 per cent of applicants in this category. Applications where the alleged crime was identified as a homicide offence numbered 407 compared to 457 in the previous reporting period.

We received 262 applications where the alleged crime was identified as a rape offence, compared to 268 in the previous year. There were 40 male applicants (compared to 30 in the previous year), and 222 female applicants (compared to 238 in the previous year) in this category.

See page 29 for further details about applications lodged.

Application outcomes

We finalised 6,894 applications in the reporting period – the highest number ever finalised in a single year. Cumulatively, finalisations have increased by 45 per cent over the last six years.

We awarded 4,751 applicants financial assistance (representing 68.9 per cent of all orders made) compared to 4,346 in the previous year (an increase of 9.3 per cent). Additionally:

- » applications were determined at hearings in 25 per cent of cases, similar to 29 per cent in the previous year.
- » 219 applications were refused, compared to 212 in the previous year (an increase of 3.3 per cent). Refused applications comprised 3.2 per cent of all finalising orders made.
- » 1,921 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,843 in the previous year (an increase of 4.2 per cent).
- » as in previous years, the majority of awards (83.9 per cent) went to primary victims, with 3,984 awards being made this reporting period, compared to 3,658 last year (an increase of 8.9 per cent).

- » we made 335 awards of financial assistance to secondary victims, similar to the previous year. Secondary victims represented 7.1 per cent of all awarded applicants, which is slightly fewer than the previous year.
- » for related victims, 414 awards of financial assistance were made, compared to 306 in the previous year. Related victims represented 8.7 per cent of all awarded applicants, which is higher than the previous year.

See page 30 for further details about application outcomes.



Financial assistance awarded

In the reporting period, we awarded a total of \$49.1 million in financial assistance and legal costs to victims of crime, compared to \$47.8 million in the previous year (an increase of 2.8 per cent).

The average amount of financial assistance awarded was \$7,763, compared to \$8,169 in the previous year.

Almost all primary victims (90 per cent) were awarded special financial assistance. The average amount of special financial assistance awarded was \$3,194.

Additionally, we awarded:

- » over \$3 million in interim financial assistance (a 9.2 per cent decrease on the \$3.4 million awarded in the previous financial year). Most awards of interim financial assistance were for counselling expenses, and registrars made interim awards of assistance in 27.8 per cent of cases.
- » \$1.65 million in safety related expenses, compared to \$1.73 million in the previous reporting period. This category of financial assistance for primary victims has been available since July 2010, allowing the Tribunal to make awards for safety related expenses without applicants needing to demonstrate exceptional circumstances.
- » \$5.41 million for all legal costs (including disbursements) incurred in relation to applications, with an average amount of \$1,113 per award of assistance made.

See page 34 for details about financial assistance awarded.

Increasing demand and financial assistance awarded

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

see Chart 1:
Number of applications for financial assistance lodged annually, 1997/98 – 2012/13, page 14.

The number of applications for financial assistance finalised annually has grown in response to the increasing demand for financial assistance from the Tribunal.

see Chart 2:
Number of awards made annually by legislative scheme, 1997/98 – 2012/13, page 14.

The amount of financial assistance awarded under the *Victims of Crime Assistance Act 1996* has increased almost each year since the Tribunal commenced on 1 July 1997, however decreased this year.

see Chart 3:
Total amount of financial assistance awarded and legal costs ordered annually by legislative scheme, 1997/98 – 2012/13, page 15.

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.

see Chart 4:
Average amount of financial assistance awarded under *Victims of Crime Assistance Act 1996* on determination of applications, 1997/98 – 2012/13, page 15.

Chart 1: Number of applications for financial assistance lodged annually, 1997/98 – 2012/13

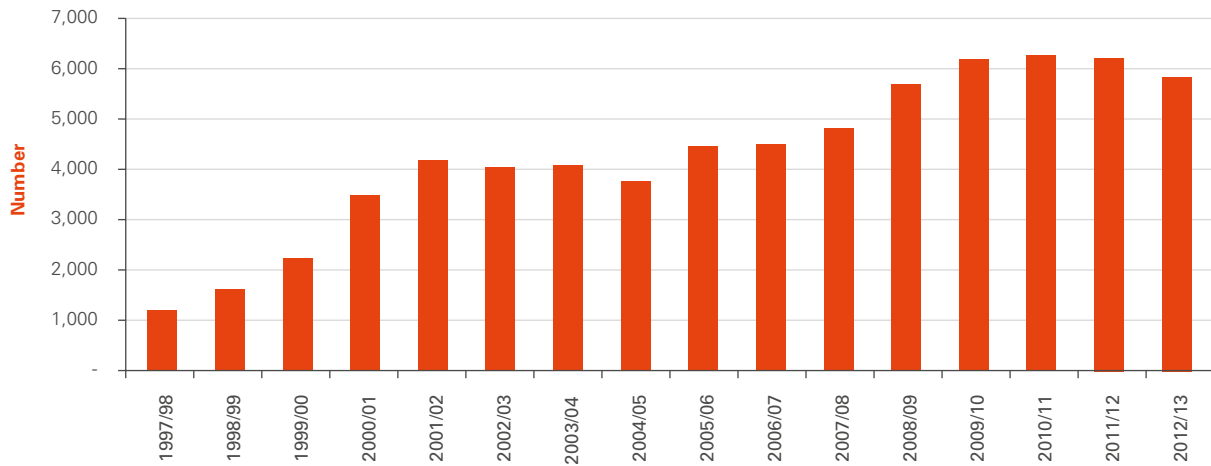


Chart 2: Number of awards made annually by legislative scheme, 1997/98 – 2012/13

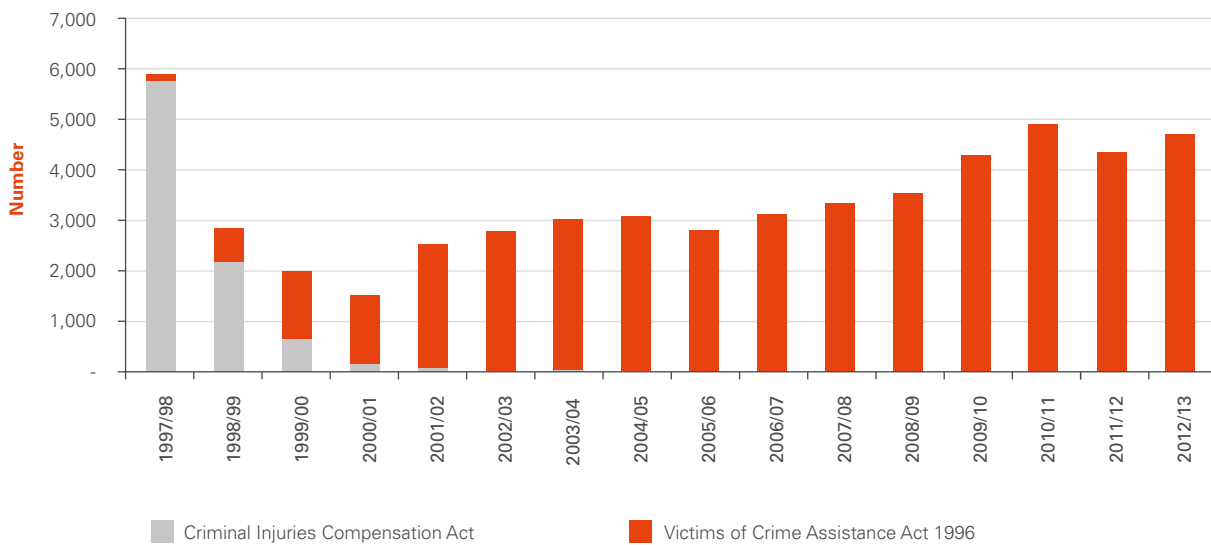


Chart 3: Total amount of financial assistance awarded and legal costs ordered annually by legislative scheme, 1997/98 – 2012/13

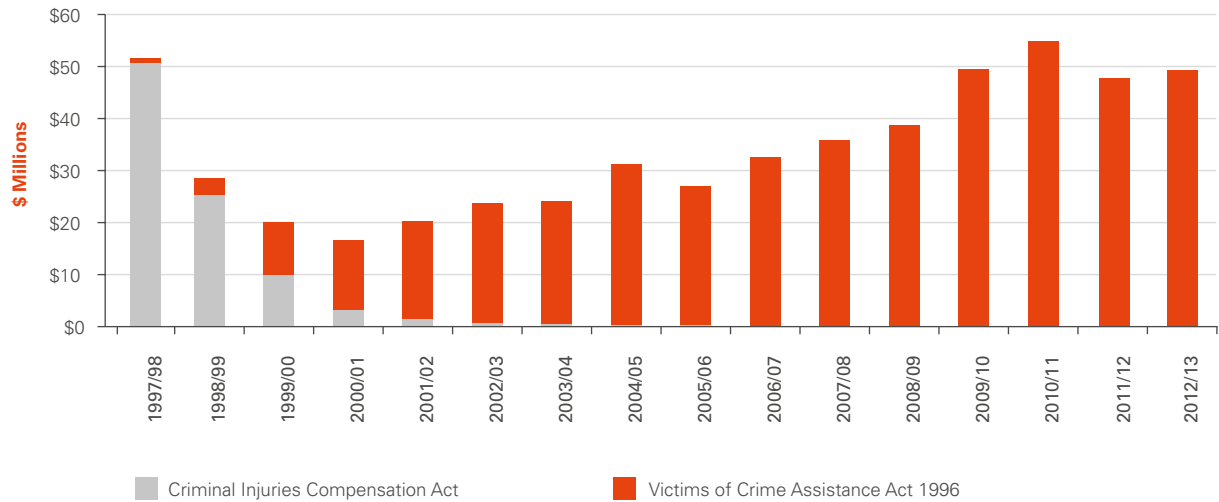
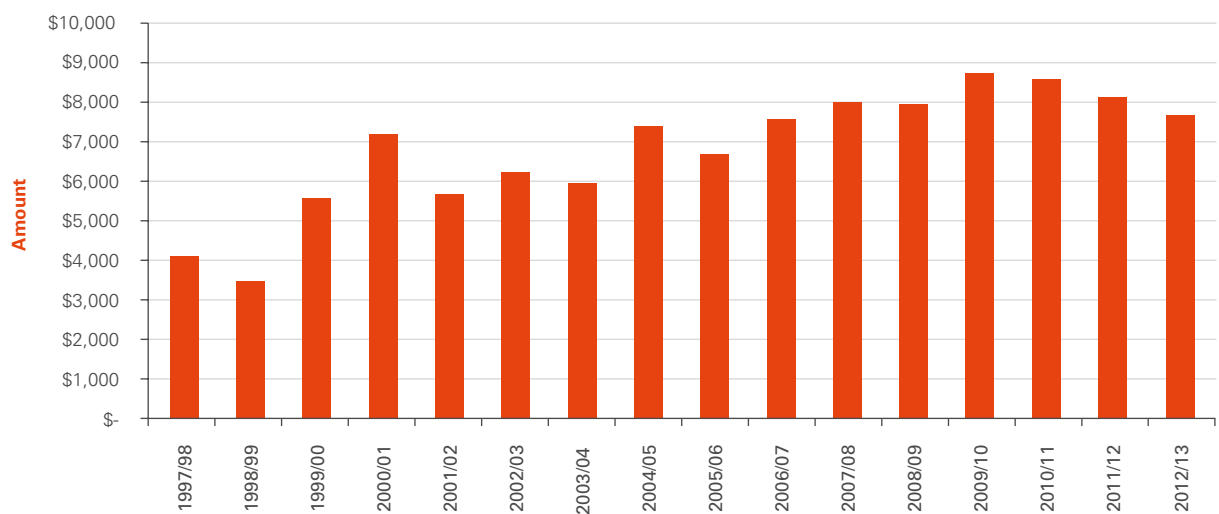


Chart 4: Average amount of financial assistance awarded under Victims of Crime Assistance Act 1996 on determination of applications, 1997/98 – 2012/13



Supervising Magistrate Catherine Lamble: VOCAT and family violence

Family violence of itself is not a crime but many of the behaviours associated with family violence such as rape, assaults, criminal damage, stalking and threats to kill or injure are crimes. We cannot say how many VOCAT applications arise from acts of violence by family members but we do know that, in the last financial year, about 52 per cent of VOCAT applicants were female and 14.6 per cent of applications related to victims of crime who were under the age of 18. We also know that police detection of family violence offences continues to skyrocket. Contact with police, courts and support services means an increasing number of family violence survivors apply to VOCAT for awards to assist in their recovery.

Historically, most victims of family violence were unable to obtain assistance from the Tribunal. The *Criminal Injuries Compensation (Amendment) Act 1980* modified this prohibition to permit awards in cases where the offender had been convicted of, pleaded guilty to, or otherwise admitted to an offence of inflicting an injury on the applicant, or was insane. Unlike other crimes, an applicant could not obtain assistance if the alleged offender was not prosecuted or convicted of an offence.

The *Criminal Injuries Compensation Act 1983* increased the availability of assistance for members of the same household as the offender, but it was not until the *Criminal Injuries Compensation (Amendment) Act 1988* where restrictions that were specific to family members were removed.

Part of the rationale for earlier legislation relates to Parliament's unwillingness to interfere in family life. Sweeping family violence under the carpet is a matter of history, but some of the problems associated with crimes in the home remain.

There are still many cases where, for a variety of reasons, police do not charge offenders. Commonly, victims do not report crimes to the police, delay in reporting crimes or withdraw their complaints. Family violence occurs behind closed doors and criminal prosecutions often depend on one party's word against another. Victims are likely to minimise the hurt they have suffered and are reluctant to report sexual assaults or violence against their children.

By its nature, family violence often involves multiple incidents but victims may not be able to recall the details of each particular offence. Separation from a violent offender increases the risk of violence and trauma associated with family violence and separation means victims are unlikely to prioritise the gathering of evidence to support their claims. In some cases, they do not recognise their entitlements and delay in making their claims.

An amendment to the Act that focused on the needs of family violence survivors has meant that, since 2010, it is no longer necessary to establish exceptional circumstances to obtain assistance for reasonable safety-related expenses incurred as a result of acts of violence. This has made it easier for the Tribunal to make timely interim awards for expenses such as relocation costs, changes of locks and other security measures.



Victorian magistrates are now better educated about the nature and effects of family violence. That understanding assists magistrates in the interpretation of legislation that has its roots in unwillingness to acknowledge crimes in the home, for the benefit of family violence survivors. For many victims of family violence it means that they can come to the Tribunal and obtain practical financial help and acknowledgement of the crimes against them, which assists them in the difficult task of rebuilding their lives. The Tribunal's role in providing this support is particularly valuable when, for the reasons mentioned, successful prosecution of the offender has not been possible. It is an important part of the Tribunal's work.

Applications arising from major incidents – The 2009 Victorian Bushfires

We continued to manage applications for financial assistance arising from major incidents, such as the 2009 Victorian Bushfires, through our principal registry in Melbourne. This ensures a consistent, timely and coordinated approach for such applications.

We received 502 applications for financial assistance arising from the 2009 Victorian bushfires. The majority of applications relating to the Churchill and Delburn Complex fires have now been finalised.

The further consideration of applications relating to the Murrindindi fires was deferred pending the outcome of the Coronial process. An inquest brief was filed with the Coroner's Office by the Phoenix Taskforce in May 2012. VOCAT will continue to monitor the progress of the coronial proceedings.

Appeals from VOCAT

In the reporting period, 30 applications for review of VOCAT decisions were determined by VOCAT. The Victorian Government Solicitor's Office represents VOCAT (as primary decision maker) in all VOCAT proceedings.

Counsel assisting the Tribunal

The Tribunal may engage counsel to assist with respect to an application for assistance. In the year under review, counsel was engaged to assist the Tribunal in 3 applications for assistance.

Timeliness

The time it took to finalise applications (measured from the time of lodgement) was similar to previous years. Close to 63 per cent of applications were finalised within 12 months, with 47.8 per cent being finalised within nine months. At the end of the reporting period, 6,370 applications were pending, compared to 6,957 in the previous year.

Application numbers decreased slightly this year however, the cumulative effect of increases during the past five years, means VOCAT is still experiencing demand that is stretching our resources considerably. Some regional and metropolitan locations have experienced significant workload increases in recent years. In the Heidelberg region, for example, finalisations have increased by 37.5 per cent over five years.

Some applications are more complex. This is a result of changing notions about what may constitute a violent crime and the possible ways in which a person can be victimised. Applications for assistance for family violence offences continue to rise and new offences, for example, cyber crimes, are becoming more prevalent. The complexity of applications impacts on the time it takes to finalise them.

Below are some of the initiatives we anticipate will assist in improving timeliness.

Judicial Registrars at VOCAT

Judicial registrars are independent judicial decision makers appointed by the Governor in Council to assist the Magistrates' Court in disposing of a variety of matters that come within the court's jurisdictions.

There are currently seven judicial registrars appointed to the Magistrates' Court. They sit at various court locations across the Melbourne metropolitan area, as well as regional and rural court venues.

We have previously reported that a 2010 amendment to the *Victims of Crime Assistance Act 1996* enabled the Chief Magistrate to delegate certain VOCAT functions and powers to judicial registrars. This created the potential for VOCAT to respond to increasing demand by using judicial registrars to decide more straightforward applications.

From 1st February 2012, a 12 month pilot programme commenced with judicial registrars managing selected VOCAT applications at Ringwood, Heidelberg and Melbourne Court venues. Due to the success of this trial it was extended to all metropolitan courts in February 2013.

Judicial registrars can determine applications for assistance made by primary and secondary victims, except where:

- » the application is filed outside the 2 year time limit
- » the act of violence alleged is a sexual offence or
- » the act of violence arises in circumstances of family violence and the alleged offender is a family member.

Interim awards for safety-related expenses

Since July 2010, VOCAT has been able to make awards to primary victims for safety related expenses, without them needing to demonstrate exceptional circumstances.

This has allowed VOCAT to respond more quickly and effectively to victims of family violence. Many of these applicants are at risk of further violence and require urgent assistance to improve their security, such as new locks or security alarms at their homes. Some must leave their homes and incur relocation or accommodation expenses. In some cases, magistrates are able to make family violence protection orders and then, sitting as VOCAT members and using the evidence they heard in the intervention order application, make urgent awards of financial assistance.

Timely hearings

We continued to list matters for hearing according to the Chief Magistrate’s listings protocol, which promotes consistency and timeliness in our listing practices. This means we aim to list hearings:

- » within six to ten weeks of a VOCAT member deciding to conduct a hearing or
- » where an applicant asks for a hearing, within six to 10 weeks of the applicant advising that they have filed all their supporting material, and VOCAT is satisfied that all relevant material has been filed.

More efficient case management

We have moved towards a more efficient case management model for VOCAT applications at Melbourne Magistrates’ Court. This model is replicated in all other regions.

Last year we reviewed our listings and case management practices whilst this year we implemented these changes to optimise operational efficiency. Part of our new approach means individual VOCAT members will, whenever possible, maintain carriage of files from start to finish. This means fewer files move between members at different stages of the decision-making process.

These changes reduced the time members spent reading files with which they are unfamiliar and dealing with unexpected procedural issues. Applicants benefited from members deciding their cases in a quicker, more responsive manner.

Improving access

VOCAT provides registry services at all of Victoria's 54 Magistrates' Court venues, making it accessible to applicants across the State. Members also conduct hearings at these venues so that, in most cases, applicants do not have to travel far. While this arrangement has many advantages, we are also exploring the use of non-Court venues to make VOCAT hearings even more accessible, and considering how to best meet the needs of VOCAT applicants within our existing Court venues.

Set out below are some of the ways in which we improved accessibility to VOCAT in the reporting period.

Legal and other professional help for applicants

Access to justice for victims of crime is of paramount importance, and VOCAT generally pays for victims' legal representation. In the reporting period, we amended the Legal Costs Guideline (Guideline 1 of 2013), increasing the amount we can award to legal practitioners who represent VOCAT applicants. It is hoped this increase will recognise and encourage high quality legal services for victims of crime.

Lawyers are not the only professionals who help victims of crime to access VOCAT. The Government-funded Victims Assistance and Counselling Program, and non-government counselling services, also play a role. This reporting period, we worked with the Department of Justice and other stakeholders in reviewing and considering issues related to how victim counselling services are regulated. As much as possible, we want to promote consistent ethical and professional standards for counsellors and health professionals assisting victims of crime to access VOCAT.

VOCAT website

To improve access to information regarding VOCAT, we have included a new translation feature to our website. Visitors to our site can now simply click on a language and the Google Translation feature will change the contents of our site to their chosen language. There are 57 languages that can be selected.

Changing the way we communicate

The first step in ensuring VOCAT's accessibility is ensuring people are aware of us. This means plain language information about VOCAT must be available to assist applicants to access, understand and navigate through VOCAT's practices and procedures.

In the reporting period, we continued to review all VOCAT's written information to see where we could make improvements. In response to demand for user-friendly information about VOCAT, we are now finalising a plain language, short-form brochure, and a guide to completing the application form.

We also continued to review and change our correspondence in an effort to better inform applicants and their lawyers about the progress of their applications. Additionally, we are updating the standard letter that accompanies victims' awards, making them more relevant and compassionate.

Contributing to our community

In 2012-13, we continued to contribute to the community we serve by working with our stakeholders, strengthening our public presence, and educating people about our processes. Following are some examples.

Working with our stakeholders

We meet regularly with the Victims Support Agency and Department of Justice to discuss policy and system issues and initiatives. This helps to ensure that we continue to provide an integrated response to victims of crime.

Supervising magistrates contributed to ongoing discussions with the Department of Justice policy-makers about issues affecting victims of crime. In particular, we provided feedback to the Victim Impact Statement Steering Committee on law reform proposals in this area.

We also worked with Victoria Police to improve the process by which we obtain police information. Benefits will include more timely provision of information, and less reliance on applicants' lawyers to provide it.

Strengthening our public presence

Once again, we participated in the Court's Open Day, a feature event of the Victoria Law Foundation's Law Week, held in May each year. Alongside Magistrates' Court staff and stakeholders, Magistrate Capell and VOCAT staff presented a public information session about VOCAT.

Legal and community education

We increased our use of web-based education resources in the reporting period. We publish on our website VCAT decisions that we consider to be important. Being publicly available, practitioners can use them to guide their preparation of VOCAT applications.

Victims of Crime Consultative Committee

Supervising Magistrate Andrew Capell is a member of the Victims of Crime Consultative Committee which has been set up by the Attorney-General to, among other things, provide a forum for victims of crime and relevant justice and victim service agencies to discuss victims' policies, practices and service delivery and to promote the interests of victims in the administration of justice.

The future

Although there has been a small decrease in the number of applications in the current financial year, we do not anticipate this trend to continue. We also anticipate more complex applications as new laws come into effect dealing with different ways crimes can be committed against the person, for example, cyber crime.

To ensure we remain accessible and responsive to victims of crime, we will continue to build on this year's initiatives, including:

- » launching a new plain language brochure and updating our guides, forms and letters
- » evaluating the use of judicial registrars
- » supporting the professionalism of lawyers and other service providers who work with victims of crime and
- » exploring the use of non-Court and alternative venues for hearings
- » improve arrangements for the management of funds for adults under disability and
- » refining and improving case management processes developed and introduced in this financial year

Koori VOCAT List

This year, 129 applications were lodged in the Koori list which is a decrease of 29.2 per cent. Although there has been a decrease in the number of applications lodged, this year's figures are consistent with the number of applications lodged prior to 2011-12. We finalised 201 applications this year. This is greater than the 148 applications finalised last year.

Access

Koori VOCAT List members are Melbourne-based magistrates who also travel throughout Victoria to conduct hearings at venues closer to where applicants live. This reduces the need for applicants in rural or regional areas to travel to Melbourne for hearings.

We have a designated Koori List Registrar who, like our list members, participates in cultural awareness training. The Koori list registrar enables us to enhance our links with stakeholders such as the Victorian Aboriginal Legal Service (VALS), VSA's Aboriginal Victims of Crime Coordinator and the Aboriginal Family Violence Prevention and Legal Service (AFVPLS), who represent most Koori VOCAT applicants.

The registrar is a consistent point of contact for applicants and helps improve communication between members. This provides greater consistency in the way we conduct matters within the List.

Timeliness

Having a dedicated registrar has also helped to speed up many of our processes. However, the events giving rise to their need for VOCAT assistance can severely disrupt applicants' lives. They may not have permanent addresses or be able to contact lawyers to give instructions. They may live in remote locations. Wherever possible, the Koori VOCAT list makes allowances for applicants in these situations, and this can impact on the time it takes to finalise matters.

Working with our stakeholders

We have regular discussions with the AFVPLS and VALS which increases our understanding of their needs and alerts us to ways in which we can be more responsive.

By making our processes clear, we hope to remove some of the barriers to justice that Koori victims of crime face.

In the first half of the year under review, the Court employed two Koori Family Violence Support Officers who were located at the Specialist Family Violence Service at Melbourne. VOCAT was able to liaise with those officers to ensure Koori victims of family violence were aware of VOCAT's role in assisting them.

The Koori Family Violence Court Support workers will be funded again in 2013-14 and we will build on this to improve services for Koori victims of family violence.

Future

Discussions with AFVPLS solicitors have focused on the need to ensure that delays in finalising matters are minimised. A practical outcome of these discussions has resulted in the early listing of directions hearings for certain cases. The early identification of issues to be addressed through these hearings has led to a timely resolution of a number of applications.

We are also still trying to secure funding for a Koori Liaison Officer. This has been one of our objectives since the list commenced in 2006, and was a recommendation contained in our February 2010 report on the Koori VOCAT List Pilot. Similar to the Koori Court, we envisage a Koori Liaison Officer would provide cultural and service information to Koori VOCAT members, link applicants to relevant indigenous service agencies, and liaise with those agencies. We believe this would greatly enhance access to justice for Koori victims of crime.

Managing VOCAT

A Principal Registrar, Standards and Compliance Officer, and staff across 54 venues throughout Victoria all support VOCAT's goal of providing a timely, empathetic, informal and cost-effective service. Our Coordinating Committee is dedicated to continually improving our performance, including investing in professional development for all members, registrars and staff. This promotes a consistent, compassionate and responsive approach to the needs of victims of crime.

Our Coordinating Committee

VOCAT's Coordinating Committee drives many of the initiatives aimed at improving VOCAT's operation, increasing our community presence, and contributing to positive outcomes for victims of crime.

To support consistency across venues, the Coordinating Committee also regularly reviews the Chief Magistrate's Practice Directions and Guidelines. The Committee makes recommendations to the Chief Magistrate for the issue of new Practice Directions and Guidelines where necessary.

Committee Members

Supervising Magistrates Andrew Capell and Catherine Lambie co-chair the Coordinating Committee. Its members include:

- » Deputy Chief Magistrates Dan Muling and Felicity Broughton
- » Magistrates Amanda Chambers, Susan Wakeling, David Fanning, Duncan Reynolds, Ann Collins, Jo Metcalf, Caitlin English and Tony Parsons
- » Judicial Registrar, Sharon McRae

- » VOCAT Principal Registrar, Robert Challis, Acting Principal Registrar Melanie Quinn, Standards and Compliance Officers, Donna Caruana and Melanie Quinn and Registry Manager, Sandra Tennant.

Having decision makers as well as those who manage the administrative functions of VOCAT on the committee promotes consistency between members and registrars, and take into account issues affecting them.

Committee Initiatives

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

- » continued monitoring of the delegation of VOCAT cases (that do not involve allegations of sexual offences, family violence or applications outside the 2 year time limit) to judicial registrars. The pilot that commenced in February 2012 was evaluated by the Committee and it was decided to expand the role of the judicial registrars to all metropolitan courts. In the 2013-14 financial year, judicial registrars will consider VOCAT applications across the state

- » ongoing oversight of the Koori VOCAT List including arranging meetings for Tribunal members sitting in the list to ensure they are able to keep each other informed of developments
- » development and publication of amended guidelines for:
 - Legal Costs
 - Counselling fees
 - Funeral expenses
- » considering issues raised by systemic deficiencies in the regulation of counselling services provided to victims of crime
- » considering the Victorian Civil and Administrative Tribunal's (VCAT's) reviews of VOCAT decisions to ensure that Tribunal members are informed of relevant decisions and that decisions that are of sufficient interest are placed on the VOCAT website
- » discussing professional development and training events for magistrates and registrars
- » monitoring statistical information across venues regarding the number of applications for assistance lodged and determined, awards of assistance made (including interim awards), and the amount of assistance awarded



- » considering issues of confidentiality arising from the issue of summonses to produce Tribunal files for the hearing of criminal charges and civil proceedings, to protect confidential documents held by the Tribunal
- » undertaking a review of legal publications and information guides to ensure plain language information about the Tribunal is available to assist applicants, the victim support network and wider community to access, understand and navigate through the Tribunal's practices and procedures
- » reviewing and amending correspondence generated by the Tribunal's case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal
- » developing listing and case management practices aimed at improving the timeliness of VOCAT decision-making
- » discussing issues arising from the 2009 Victorian Bushfires.

Members of the Committee participated in:

- » the provision of materials and information sessions about VOCAT for new magistrates
- » the provision of VOCAT training for judicial registrars
- » continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program

- » liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the Aboriginal Family Violence Prevention Legal Service
- » providing information about the tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week 2013
- » regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime
- » regular meetings of the Victim Impact Statement Steering Committee, convened by the Department of Justice, leading to legislative reform in this area.

Consistency and Responsiveness

Apart from working on initiatives, the Committee also monitors VOCAT's activities, keeping up-to-date with trends in application numbers and awards of assistance. It promotes exchange of information with stakeholders and plays a major role in the professional development of Tribunal members and staff. This helps to ensure consistent decision-making across VOCAT. It also helps VOCAT remain responsive to the needs of victims of crime and to prioritise issues according to areas of need.

Ways in which the Committee contributed to responsiveness and consistency include:

- » contributing to the ongoing professional development of Tribunal members including a half day session of the Court's Professional Development day in October 2012 on various aspects of VOCAT decision making
- » familiarising new magistrates with VOCAT including information sessions and developing an induction manual for new magistrates and judicial registrars
- » contributing to the VOCAT Practice Page on the Judicial College of Victoria website
- » reviewing and publishing relevant VOCAT and Court of Appeal decisions on our website
- » considering how to best manage confidential information when responding to subpoenas for VOCAT files
- » liaising with Victoria Police to improve access to accurate and timely police information
- » participating in Department of Justice discussions about the regulation of counselling services for victims of crime and
- » providing input into proposed law reforms through the Department of Justice Victim Impact Statement Steering Committee.



Our Registry

VOCAT’s principal registry is located within the Melbourne Magistrates’ Court, however every Magistrates’ Court venue in Victoria provides registry services that help applicants to access VOCAT. The registry functions as the Tribunal’s public interface and administrative hub, helping it to operate in a more responsive, integrated and efficient manner.

At 30 June 2013, the Tribunal funded 24.6 registry positions across Victoria and was further supported by registrars and administrative staff of the Magistrates’ Court.

The principal registry is staffed by the principal registrar, a standards and compliance officer, registry manager, seven registrars, two trainee registrars and two finance officers.

VOCAT funds a full-time registrar at each of the following Magistrates’ Court venues:

- » Ballarat
- » Bendigo
- » Broadmeadows
- » Dandenong
- » Frankston
- » Geelong
- » Heidelberg
- » Latrobe Valley
- » Moorabbin
- » Ringwood
- » Shepparton
- » Sunshine

Although one position is funded at each venue, significant additional support is provided by registrars and finance officers funded from the Magistrates’ Court operating budget.

VOCAT Registrars

Registrars are the main points of contact for victims, providing procedural advice and support throughout the application process. Registrars also work closely with Tribunal members and judicial registrars, undertaking much of the lead-up work that helps Tribunal members to determine applications.

This includes:

- » obtaining medical and psychological reports, police information about an alleged offence, criminal histories, and prosecution outcomes
- » ensuring applicants file the documents needed to support their applications, and that the information provided is complete and comprehensible
- » making sure applicants receive their awards of financial assistance and
- » providing administrative support in relation to applications for the variation of awards.

Registrars also consider and determine applications for interim financial assistance up to \$5000.

All Magistrates’ Court registrars at Victorian Public Service Grade 3 or above are also VOCAT registrars. At this level, registrars have a wide range of knowledge and skills, developed through their work across a variety of Court jurisdictions. This equips them to deal with the often-challenging nature of VOCAT work.

At major Court venues, registrars perform VOCAT work for six – to 12 – months. The relevant legislation is complex, and it takes time to develop expertise in this area. VOCAT therefore benefits significantly from having dedicated registrars for extended durations. Registrars also gain valuable experience through their VOCAT work, which in turn benefits all Court jurisdictions.

Registrars and staff supporting VOCAT’s operations are accountable through their respective regional managers to the Magistrates’ Court of Victoria’s Chief Executive Officer.

“As a result of these strong relationships, where there are changes in processes or legislation, I am able to easily discuss and consult with those concerned, providing a consistent approach throughout the region.”

REGISTRAR MELISSA SMITH

Registrar Melissa Smith: Regional Focus

VOCAT in the Loddon Mallee region.

I am the Victims of Crime Assistance Tribunal (VOCAT) Registrar for the Bendigo Court, part of the Loddon Mallee region that covers a number of other locations including Kyneton, Castlemaine, Maryborough, Echuca, Swan Hill, Kerang and Mildura. Over the past financial year, this region has initiated 223 VOCAT applications and finalised 302.

Although my primary role is to provide assistance and manage the VOCAT applications at Bendigo, I work as part of a team in a busy multi-jurisdictional court assisting with the demands of the registry and, at times, travel to satellite courts within the region. One of the main benefits of being a regional court registrar is having the multi-jurisdictional experience and knowledge, as well as the ability to gain an in depth understanding of the VOCAT files we manage. The competing interests and responsibilities are both challenging and refreshing, as I am able to keep up to date with all jurisdictions and continually expand my knowledge and skills.

I have been the VOCAT Registrar at Bendigo for the past four years and during this time I have built strong relationships with tribunal members, solicitors, stakeholders and registrars within the region.

As a result of these strong relationships, where there are changes in processes or legislation, I am able to easily discuss and consult with those concerned, providing a consistent approach throughout the region. From time to time, when I have suggestions, or there are suggestions made locally, with regard to improving processes, I feel comfortable discussing these matters and seeking feedback. All tribunal members and registrars within the region work together as a close team.

One of the challenges of being in a regional area is the applicants' limited access to support services. Sometimes there may only be one or two psychologists in the applicant's area, which may not allow the applicant to necessarily find a local counsellor who best suits their needs. Both myself and the other registrars of satellite courts are always mindful of these limitations and assist where possible, referring applicants to the Victims Assistance and Counselling Program (VACP) who operate throughout the region.

For me personally, one of the greatest challenges, and yet one of the most rewarding factors of working in a regional court is the autonomous nature of the work within this jurisdiction.



Although my colleagues have VOCAT knowledge which enables them to assist me, when I am posed with a problem or issue I am generally able to solve it myself. Where I do require assistance or want to soundboard an idea or issue, I will speak with other registrars within the region and they do likewise. This communication also assists our region to have a consistent approach to our VOCAT matters and I find these relationships extremely important to my role. Staff at Melbourne's VOCAT principal registry also provide assistance as required and the regular VOCAT meetings provide a great opportunity for networking with other VOCAT registrars and keep me up to date with procedural changes and other relevant information to the jurisdiction.

Melissa Smith has been a VOCAT registrar for four years. Before that she was a registrar in the Magistrates' Court.

VOCAT Website

Our website (www.vocat.vic.gov.au) was redeveloped in 2011 and contains useful information, including:

- » application forms and guides
- » information about what VOCAT does
- » links to victim support services and resources
- » practice directions and guidelines
- » publications such as reports and brochures and
- » appeal decisions that VOCAT considers important.

We are continuing to improve the website as an education and communication tool.

We have included a new translation feature to our website. Visitors to our site can now simply click on a language and the Google Translation feature will change the contents of our site to their chosen language. There are 57 languages that can be selected.

This year the website received 23,999 unique visits, compared to 19,949 in the previous year. As with the previous year, the 'Application for Assistance form' was the most commonly downloaded publication/form.



Professional Development

VOCAT's Coordinating Committee works closely with the Magistrates' Court Professional Development Committee. This ensure judicial registrars and magistrates are equipped for their roles as VOCAT decision-makers. Members of the VOCAT Committee also assist with staff training, for example, magistrate Duncan Reynolds presented to VOCAT registrars about transitional provisions in April 2013.

Because decision-makers have wide discretion under the Act, professional development is an important tool in maximising a level of consistency in their decision-making. Additionally, professional development days help keep VOCAT members – who are also magistrates located across 54 Victorian Court venues – in touch with each others practices. This allows them to benefit from the pool of available expertise, which also helps ensure high quality, consistent approaches.

VOCAT's supervising magistrates conduct information sessions on the Act for newly appointed magistrates and judicial registrars, and provide them with written materials and information about the VOCAT website and the Judicial College's VOCAT Practice Page.

Professional development in 2012–13 also included:

- » regular VOCAT registrar meetings, focusing on training to promote consistency. The meeting provides a forum to discuss current issues
- » reviewing and distributing to Tribunal members VCAT decisions in relation to appeals from VOCAT and
- » publishing on the internal website any relevant papers written by magistrates for judicial decision-makers.

“Victorian magistrates are now better educated about the nature and effects of family violence. That understanding assists them in the interpretation of legislation that has its roots in unwillingness to acknowledge crimes in the home, for the benefit of family violence survivors.”

SUPERVISING MAGISTRATE
CATHERINE LAMBLE

Our Statistical Report

For the third consecutive year, we finalised more than 6,000 applications, being a record number finalised. The tables below also provide information about applicant demographics, awards of financial assistance made, appeals against VOCAT decisions, and case processing times.

Table 1: Summary – applications for assistance lodged, finalised and pending, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
CASELOAD			
Number applications lodged	6,275	6,163	5,863
Number orders made finalising claims	6,370	6,403	6,894
Number applications pending on 30 June	6,954	6,957	6,370
CASE PROCESSING TIMES			
Proportion of applications finalised within 9 months of lodgement	47.5%	47.1%	47.8%
Proportion of applications finalised within 12 months of lodgement	63.5%	62.8%	62.4%
AGE OF PENDING CASELOAD			
Proportion of applications pending for 9 months or more on 30 June	44.5%	45.4%	45.0%
Proportion of applications pending for 12 months or more on 30 June	33.5%	34.8%	34.9%

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, 2012/13¹

OFFENCE CATEGORY	NUMBER OF APPLICATIONS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide ²	187	220	407	45.9%	54.1%	6.9%
Rape	40	222	262	15.3%	84.7%	4.5%
Sex (non-Rape) ³	175	581	756	23.1%	76.9%	12.9%
Robbery	267	199	466	57.3%	42.7%	7.9%
Assault ⁴	1,900	1,372	3,272	58.1%	41.9%	55.8%
Abduction/Kidnap	13	26	39	33.3%	66.7%	0.7%
Criminal damage by fire	7	10	17	41.2%	58.8%	0.3%
Burglary	138	205	343	40.2%	59.8%	5.9%
Harassment	20	81	101	19.8%	80.2%	1.7%
Other	75	125	200	37.5%	62.5%	3.4%
TOTAL	2,822	3,041	5,863	48.1%	51.9%	100%

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

2 The *Homicide* category includes offences such as murder, manslaughter and culpable driving.

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

4 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, 2010/11 – 2012/13

ORDER	2010/11		2011/12		2012/13	
Application granted/award made	4,891	76.8%	4,346	67.9%	4,751	68.9%
Application refused	154	2.4%	212	3.3%	219	3.2%
Application struck out/withdrawn	1,323	20.8%	1,843	28.8%	1,921	27.9%
Other disposal	2	< 0.1%	2	< 0.1%	3	< 0.1%
TOTAL	6,370	100%	6,403	100%	6,894	100%

Table 4: Number of awards of financial assistance made upon final determination of applications for assistance, by award type, 2010/11– 2012/13

AWARD TYPE	2010/11		2011/12		2012/13	
Primary victim award	4,028	82.4%	3,658	84.2%	3,984	83.9%
Secondary victim award	365	7.5%	365	8.4%	335	7.1%
Related victim award	477	9.8%	306	7.0%	414	8.7%
Award for funeral expenses only	6	0.1%	2	< 0.1%	4	< 0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	2	< 0.1%	1	< 0.1%	0	0%
Other	13	0.3%	14	0.3%	14	0.3%
TOTAL	4,891	100%	4,346	100.0%	4,751	100%

Table 5: Number of awards of financial assistance made, by age and gender of awarded applicants, 2012/13

AGE AT AWARD	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
0 – 18 years	351	343	694	50.6%	49.4%	14.6%
19 – 25 years	478	270	748	63.9%	36.1%	15.7%
26 – 35 years	492	342	834	59.0%	41.0%	17.6%
36 – 60 years	680	676	1,356	50.1%	49.9%	28.5%
61 years +	104	113	217	47.9%	52.1%	4.6%
Unknown	215	687	902	23.8%	76.2%	19.0%
TOTAL	2,320	2,431	4,751	48.8%	51.2%	100%

Table 6: Number of awards of assistance made by category of offence and gender of awarded applicant, 2012/13

OFFENCE CATEGORY	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	221	253	474	46.6%	53.4%	10.0%
Rape	10	148	158	6.3%	93.7%	3.3%
Sex (non-Rape)	134	473	607	22.1%	77.9%	12.8%
Robbery	224	195	419	53.5%	46.5%	8.8%
Assault	1,553	1,080	2,633	59.0%	41.0%	55.4%
Abduction/Kidnap	10	14	24	41.7%	58.3%	0.5%
Criminal damage by fire	6	8	14	42.9%	57.1%	0.3%
Burglary	99	119	218	45.4%	54.6%	4.6%
Harassment	11	57	68	16.2%	83.8%	1.4%
Other	52	84	136	38.8%	61.2%	2.9%
TOTAL	2,320	2,431	4,751	48.8%	51.2%	100%

Table 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2012/13

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	380	6.5%	460	6.7%	275	5.8%
Broadmeadows	Broadmeadows	410	7.0%	629	9.1%	368	7.7%
Dandenong	Dandenong	473	8.1%	510	7.4%	384	8.1%
Frankston	Dromana, Frankston, Moorabbin	728	12.4%	817	11.9%	585	12.3%
Gippsland	Bairnsdale, Korumburra, Latrobe Valley, Moe, Omeo, Orbost, Sale, Wonthaggi	250	4.3%	228	3.3%	160	3.4%
Grampians	Ararat, Bacchus Marsh, Ballarat, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell	240	4.1%	255	3.7%	191	4.0%
Heidelberg	Heidelberg, Moonee Ponds, Preston	506	8.6%	532	7.7%	381	8.0%
Hume	Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Shepparton, Wangaratta, Wodonga	245	4.2%	303	4.4%	209	4.4%
Lodden Mallee	Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill	221	3.8%	334	4.8%	213	4.5%
Melbourne	Melbourne	1,019	17.4%	1,395	20.2%	972	20.5%
Neighbourhood Justice Centre	Collingwood	62	1.1%	83	1.2%	55	1.2%
Ringwood	Ringwood	527	9.0%	513	7.4%	356	7.5%
Sunshine	Sunshine, Werribee	802	13.7%	835	12.1%	602	12.7%
TOTAL		5,863	100%	6,894	100%	4,751	100%

Financial assistance awarded and legal costs⁵

Table 8: Total amount of financial assistance awarded and legal costs ordered (interim, final determination, by variation and on review), 2010/11 – 2012/13

	2010/11		2011/12		2012/13	
Financial assistance	\$49,787,530	90.5%	\$42,739,212	89.4%	\$43,726,609	89.0%
Legal costs	\$5,252,358	9.5%	\$5,068,174	10.6%	\$5,412,037	11.0%
TOTAL	\$55,039,888	100%	\$47,807,386	100%	\$49,138,646	100%

Table 9: Total amount of financial assistance awarded, 2010/11 – 2012/13

	2010/11		2011/12		2012/13	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$38,008,751	76.3%	\$32,460,416	75.9%	\$34,052,070	77.9%
Financial assistance for expenses not yet incurred	\$11,778,779	23.7%	\$10,278,796	24.1%	\$9,674,539	22.1%
TOTAL	\$49,787,530	100%	\$42,739,212	100%	\$43,726,609	100%

⁵ Individual figures shown for amounts of financial assistance have been rounded to the nearest dollar. Percentages may therefore not add up to 100 per cent.

Table 10: Total amount of financial assistance awarded by assistance type, and legal costs ordered, 2012/13

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance	\$19,850	\$11,468,850	\$49,800	\$32,700	\$11,571,200	23.5%
Distress	\$15,000	\$7,341,596	\$50,000	\$13,000	\$7,419,596	15.1%
Funeral expenses	\$311,214	\$183,405	\$26,200		\$520,819	1.1%
Loss of earnings	\$116,559	\$3,486,020	\$292,480	\$19,435	\$3,914,495	8.0%
Dependency	–	\$3,397	–	–	\$3,397	<0.1%
Loss/damage to clothing	\$5,925	\$183,437	\$410		\$189,772	0.4%
Counselling/ psychological/ psychiatric reports	\$433,555	\$923,880	\$106,810	\$413	\$1,464,658	3.0%
Counselling sessions	\$1,528,219	\$3,021,241	\$761,765	\$2,610	\$5,313,835	10.8%
Medical expenses	\$343,696	\$2,587,125	\$1,131,178	\$694	\$4,062,693	8.3%
Other expenses to assist recovery	\$188,448	\$6,336,741	\$1,086,433	\$2,340	\$7,613,962	15.5%
Safety related expenses	\$165,851	\$1,348,163	\$138,169	–	\$1,652,183	3.4%
SUBTOTAL	\$3,128,317	\$36,883,855	\$3,643,245	\$71,192	\$43,726,609	89.0%
Legal costs		\$5,286,043	\$96,272	\$32,723	\$5,412,038	11.0%
TOTAL	\$3,128,317	\$42,169,898	\$3,736,517	\$103,915	\$49,138,647	100%

Table 11: Amount of financial assistance awarded as a *lump sum payment** and for *expenses already incurred*, by type of assistance, 2012/13

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance*	\$19,850	\$11,468,850	\$49,800	\$32,700	\$11,571,200	34.0%
Distress*	\$15,000	\$7,341,596	\$50,000	\$13,000	\$7,419,596	21.8%
Funeral expenses	\$280,257	\$161,694	\$26,200		\$468,151	1.4%
Loss of earnings	\$116,559	\$3,486,020	\$292,480	\$19,435	\$3,914,495	11.5%
Dependency	–	\$3,397	–	–	\$3,397	<0.1%
Loss/damage to clothing	\$5,595	\$169,672	\$410	–	\$175,677	0.5%
Counselling/ psychological/ psychiatric reports	\$433,555	\$923,880	\$106,810	\$413	\$1,464,658	4.3%
Counselling sessions	\$210,510	\$877,250	\$309,351	\$390	\$1,397,500	4.1%
Medical expenses	\$181,167	\$1,630,728	\$599,310	\$156	\$2,411,361	7.1%
Other expenses to assist recovery	\$78,511	\$3,483,040	\$700,285	–	\$4,261,386	12.5%
Safety related expenses	\$60,093	\$817,286	\$86,820	–	\$964,199	2.8%
TOTAL	\$1,401,097	\$30,363,413	\$2,221,466	\$66,094	\$34,052,070	100%

Table 12: Amount of financial assistance awarded for *expenses not yet incurred*, by type of assistance, 2012/13

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Counselling sessions	\$1,317,709	\$2,143,991	\$452,415	\$2,220	\$3,916,335	43.5%
Medical expenses	\$162,529	\$956,397	\$531,868	\$538	\$1,651,332	10.6%
Loss/damage to clothing	\$330	\$13,765	–	–	\$14,095	<0.1%
Other expenses to assist recovery	\$109,937	\$2,853,701	\$386,148	\$2,340	\$3,352,125	45.9%
Funeral expenses	\$30,957	\$21,711	–	–	\$52,668	<0.1%
Safety related expenses	\$105,758	\$530,877	\$51,350	–	\$687,984	<0.1%
TOTAL	\$1,727,220	\$6,520,442	\$1,421,781	\$5,098	\$9,674,541	100%

Table 13: Number of final awards of financial assistance made, and average amount of financial assistance awarded on final determination, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of awards of financial assistance made	4,891	4,346	4,751
Amount of financial assistance awarded	\$41,887,754	\$35,503,150	\$36,883,853
Average amount of financial assistance awarded	\$8,564	\$8,169	\$7,763

Table 14: Number of primary victims awarded special financial assistance and amount awarded on determination of application, by category, 2010/11 – 2012/13

	NUMBER			DISTRIBUTION		
	2010/11	2011/12	2012/13	2010/11	2011/12	2012/13
NUMBER OF PRIMARY VICTIMS WHO WERE AWARDED SPECIAL FINANCIAL ASSISTANCE BY CATEGORY						
Category A	951	834	798	24.4%	23.8%	22.2%
Category B	802	837	869	20.6%	23.9%	24.2%
Category C	1,443	1,207	1,277	37.0%	34.4%	35.6%
Category D	700	631	647	18.0%	18.0%	18.0%
TOTAL	3,896	3,509	3,591	100%	100%	100%
AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$7,728,546	\$6,724,960	\$6,629,327	63.2%	60.4%	57.8%
Category B	\$2,288,208	\$2,517,488	\$2,705,383	18.7%	22.6%	23.6%
Category C	\$1,787,195	\$1,510,406	\$1,706,370	14.6%	13.6%	14.9%
Category D	\$431,760	\$380,930	\$427,770	3.5%	3.4%	3.7%
TOTAL	\$12,235,709	\$11,133,784	\$11,468,850	100%	100%	100%
AVERAGE AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$7,883	\$8,127	\$8,307			
Category B	\$2,716	\$2,853	\$3,113			
Category C	\$1,231	\$1,239	\$1,336			
Category D	\$620	\$617	\$661			
TOTAL	\$3,134	\$3,141	\$3,194			

Table 15: Number of related victims awarded financial assistance for distress and amount awarded on final determination, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of related victims who were awarded financial assistance for distress	463 ⁶	299	406
Amount of financial assistance awarded to related victims for distress on determination of application	\$8,510,214	\$5,345,067	\$7,341,596
Average amount of financial assistance awarded to related victims for distress	\$18,381	\$17,876	\$18,083

Table 16: Amount of legal costs ordered to be paid on the final determination of applications for financial assistance, and average legal costs ordered, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of awards of financial assistance made	4,891	4,346	4,751
Amount ordered to be paid for legal costs	\$5,118,047	\$5,068,174	\$5,286,043
Average amount of legal costs ordered to be paid per awarded applicant	\$1,046	\$1,166	\$1,113

⁶ Higher numbers in the previous two years reflect the high volume of applications relating to the 2009 Victorian bushfires

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 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of interim awards of assistance made by Tribunal members	1,029	1,149	1,040
Number of interim awards of assistance made by judicial registrars	–	3	53
Number of interim awards of assistance made by registrars	1,063	621	399
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES ALREADY INCURRED	2,092	1,773	1,492
Proportion of interim awards made by registrars	50.8%	35.0%	26.7%
Amount of interim financial assistance awarded for expenses already incurred	\$1,807,809	\$1,495,106	\$1,401,097
Average amount of interim financial assistance awarded for expenses already incurred	\$864	\$843	\$939

Table 18: Number of interim awards of financial assistance made where financial assistance was awarded for *expenses not yet incurred*, and amount awarded, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of interim awards of assistance made by Tribunal members	716	767	728
Number of interim awards of assistance made by judicial registrars	–	2	35
Number of interim awards of assistance made by registrars	905	533	314
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES NOT YET INCURRED	1,621	1,302	1,077
Proportion of interim awards made by registrars	55.8%	40.9%	29.2%
Amount of interim financial assistance awarded for expenses not yet incurred	\$2,479,662	\$1,950,478	\$1,727,220
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,530	\$1,498	\$1,604

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, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of awards varied to award further financial assistance for expenses already incurred	1,278	1,137	1,146
Amount of financial assistance awarded on variation for expenses already incurred	\$2,287,994	\$2,221,527	\$2,221,466
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,790	\$1,954	\$1,935

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, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number of awards varied to award further financial assistance for expenses not yet incurred	457	509	542
Amount of financial assistance awarded on variation for expenses not yet incurred	\$1,277,628	\$1,340,701	\$1,421,781
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,796	\$2,634	\$2,623

Applications for review of decisions

Table 21: Number of applications for review finalised by the Victorian Civil and Administrative Tribunal, by outcome, 2010/11 – 2012/13

OUTCOME	2010/11		2011/12		2012/13	
Original order/award set aside and new award made on review	6	26%	6	18.2%	4	13.3%
Award varied on review	2	9%	9	27.3%	3	10.0%
Order affirmed on review	4	17%	9	27.3%	13	43.3%
Application for assistance remitted to original decision-maker for determination	1	4%	0	–	1	3.3%
Application for review dismissed	–	–	3	9.1%	1	3.3%
Application for review struck out / withdrawn / abandoned	10	43%	6	18.2%	8	26.7%
TOTAL	23	100%	33	100%	30	100%

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, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Number awards of assistance made or varied on review	8	15	7
Amount of financial assistance awarded on review	\$46,683	\$228,250	\$71,192
Average amount of financial assistance awarded on review	\$5,835	\$15,217	\$10,170

Our Financial Report

This year, VOCAT continues to operate as efficiently as possible. This is a challenge in the current environment, where there has been significant increase in demand.

Funding source

The Consolidated Fund of the State of Victoria pays for VOCAT's operating costs. The amounts of financial assistance that the Tribunal awards are also paid out of the Consolidated Fund, which is appropriated to the necessary extent.⁷

Financial assistance paid

In the year ending 30 June 2013, the Tribunal paid a total amount of \$40,875,682 (compared to \$38,650,065 in the previous year). This amount comprises financial assistance paid to victims of crime and fees for service providers and legal practitioners. It represents actual payments made in the reporting period. It therefore does not include amounts relating to awards made in the current or previous reporting periods that were not paid in the current reporting period. Neither does it include financial assistance awarded for expenses not yet incurred or not used by applicants.

Operating costs

In the year ending 30 June 2013, VOCAT's operating costs were \$2,515,697 compared to \$2,483,239 in the previous year (an increase of 1.3 per cent, compared to our 17.6 per cent increase in the previous reporting period).

VOCAT's operating costs are kept low as a result of:

- » being accommodated within Magistrates' Court venues
- » having magistrates as decision-makers and
- » being supported by Magistrates' Court registrars.

The Magistrates' Court therefore absorbs a large proportion of VOCAT's operating costs, including magistrates' salaries⁸, infrastructure costs and corporate service expenses (such as human resource and finance functions).

Salaries and employee-related expenses for Tribunal-funded positions comprise most of VOCAT's operating costs. The balance is made up of expenses associated with the Tribunal's legal costs, training and development, and a contribution to the Magistrates' Court for infrastructure costs such as rent and property services, utilities, repairs and maintenance, postage and communication, and stationery.

Average cost per finalised claim

In the year ending 30 June 2013, the average cost per finalised application for financial assistance was \$365 compared to \$387 in the previous year. This represents a decrease of 5.7 per cent, following the previous year's increase of 16.6 per cent.⁹

It should be noted that the cost per finalised claim does not factor in expenses met by the Magistrates' Court operating budget, such as corporate services and magistrates' salaries. The figures therefore do not accurately reflect the true costs of VOCAT's operations.

⁷ Section 69(1) of the *Victims of Crime Assistance Act 1996*.

⁸ 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.

⁹ This has been calculated by dividing the Tribunal's operating costs for the year ending 30 June 2013 by the number of orders made finalising claims over the same period.

Financial Statement for year ending 30 June 2012¹⁰

	NOTE	2010/11	2011/12	2012/13
SPECIAL APPROPRIATIONS				
	1			
Salaries, overtime and annual leave		\$1,255,763	\$1,440,363	\$1,433,280
Superannuation		\$119,202	\$122,231	\$125,891
Payroll taxation		\$70,659	\$77,536	\$75,984
Provision for long service leave		\$-44,048	\$190,867	\$135,956
Work cover levy		\$9,572	\$10,063	\$8,852
Fringe benefits taxation				\$12
TOTAL SALARIES AND ASSOCIATED EXPENDITURE		\$1,411,148	\$1,841,060	\$1,779,975
OPERATING EXPENDITURE				
Travel and personal expenses		\$11,465	\$2,670	\$9,818
Printing, stationery and subscriptions		\$68,554	\$51,181	\$73,692
Postage and communication		\$59,802	\$76,453	\$62,651
Contractors and professional services	2	\$309,941	\$261,368	\$375,295
Training and development		\$30,679	\$7,903	\$7,300
Motor vehicle expenses		\$2,100	\$5,068	\$4,223
Operating expenses		\$3,041	\$1,915	\$2,670
Witness payments		\$1,337	–	
Information technology costs		\$27,790	\$45,256	\$19,082
Rent utilities and property services		\$167,939	\$177,109	\$169,944
Repairs and maintenance		\$18,448	\$13,256	11,047
TOTAL OPERATING EXPENDITURE		\$701,096	\$642,179	\$735,722
TOTAL SALARIES AND OPERATING EXPENDITURE		\$2,112,244	\$2,483,239	\$2,515,697
SPECIAL APPROPRIATIONS				
Award payments	3	\$44,167,428	\$38,650,065	\$40,875,682
TOTAL AWARDS		\$44,167,428	\$38,650,065	\$40,875,682

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 2012.

Note 2

The expenditure for *contractors and professional services* relates to legal costs in the year under review.

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 2012.

¹⁰ This financial statement is based upon financial data available as at 22 July 2013.

Our Directory of Tribunal Members & Judicial Registrars

Chief Magistrate

Mr Peter Henry Lauritsen

Deputy Chief Magistrates

Mr Barry Bernard Braun

Ms Felicity Anne Broughton

Mr Robert Krishnan Ashok Kumar

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

Ms Luisa Rita Bazzani

Mr John Stephen Bentley

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Leonard Harold Brear
(retired 18 March 2013)

Mr Gerard Robert Bryant

Mr Darrin Cain

Ms Suzanne Lara Cameron

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke Cashmore

Ms Amanda Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr Simon Mitchell Cooper

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

(appointed President Children's
Court 30 April 2013)

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sharon Elizabeth Cure

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr Peter Gordon Dotchin

Mr Peter Stewart Dunn (appointed
29 January 2013)

Ms Michelle Pauline Elizabeth Ehrlich

Ms Caitlin Creed English

Ms Rosemary Elizabeth Falla
(appointed 29 January 2013)

Mr David Kevin Fanning

Mr David Faram (appointed 26
March 2013)

Mr Bernard Robert FitzGerald

Mr Julian Francis Fitz-Gerald (retired
21 December 2012)

Ms Lesley Ann Fleming

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Ms Jane Catherine Gibson

Mr Philip John Ginnane

Mr Phillip Goldberg

Ms Jennifer Anne Benn
Goldsbrough

Mr Ian Leslie Gray
(appointed State Coroner
28 November 2012)

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

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 Gail Anne Hubble
(appointed 24 October 2012)

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone
(deceased 16 November 2012)

Mr Graham Douglas Keil

Mr Jonathan George Klestadt

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio La Rosa

Mr Dominic Lennon
(appointed 21 May 2013)

Mr John Leon Lesser

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Jan Maree Maclean

Ms Kay Helen Macpherson

Mr Ross Graeme Maxted
(appointed 16 April 2013)

Ms Ann Judith McGarvie

Mr Andrew Richard McKenna

Mr Gregory Laurence McNamara

Mr Peter Harry Mealy

Mr Peter Mellas

Ms Johanna Margaret Metcalf

Mr Peter Patrick Mithen
(appointed 4 June 2013)

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan

Mr William John George O'Day
(retired 30 April 2013)
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 Reginald Hugh Storrier Radford
Mr Peter Anthony Reardon
Mr Duncan Keith Reynolds
Ms Mary Kay Robertson
Mr Charlie Rozencwajg
Mr Ronald Norman Saines
Mr Marc Anthony Sargent
Mr Michael Leslie Smith
Mr Paul Anthony Smith
Ms Sharon Elizabeth Smith
Mr Patrick Southey
Ms Paresa Antoniadis Spanos
Ms Pauline Therese Spencer
Ms Heather Margaret Spooner
Ms Fiona Margaret Stewart
Ms Stella Maria Dolores Stuthridge
Ms Noreen Mary Toohey
Ms Cynthia Anne Toose
(appointed 4 June 2013)
Ms Jennifer Beatrix Tregent
Mr Jack Vandersteen
Mr Ian Maxwell Von Einem
(retired 20 November 2012)
Ms Susan Melissa Wakeling
Ms Belinda Jane Wallington
Mr Ian John Watkins
Mr Iain Treloar West
(Deputy State Coroner)
Mr Michael Gerard Wighton
Mr Brian Robert Wright
Mr Richard Thomas Wright
Mr Francis Patrick Zemljak
(appointed 26 February 2013)

Reserve Magistrates

Mr Brian Sturtevant Barrow
Mr John Douglas Bolster
Mr Lewis Phillip Byrne
(appointed 9 April 2013)
Mr Brian Joseph Clifford
Mr Thomas Kevin Hassard
Ms Jacinta Heffey
Mr Frank William Dudley Jones
Mr Timothy John McDonald
(5 year appointment ended
14 April 2013)
Mr Ian Thomas McGrane
Mr Peter Thomas Power
Mr Steven Raleigh
Mr Ian Maxwell Von Einem
(appointed 26 March 2013)
Mr William Peter White
Mr Terry John Wilson

Judicial Registrars

Ms Ruth Andrew
Mr Graeme John Horsburgh
Mr Barry Raymond Johnstone
Ms Sharon McRae
Mr Peter Patrick Mithen
(appointed Magistrate 4 June 2013)
Mr Richard O'Keefe
Ms Angela Assunta Soldani

Our Locations

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03 9628 7733
Fax: Criminal Coordinator
03 9628 7808
Fax: Criminal Registry
03 9628 7826
Fax: Civil Coordinator
03 9628 7736
Fax: Civil Pre-hearing
Conference 03 9628 7837
Fax: Civil Registry
03 9628 7728
Fax: Family Law
03 9628 7874
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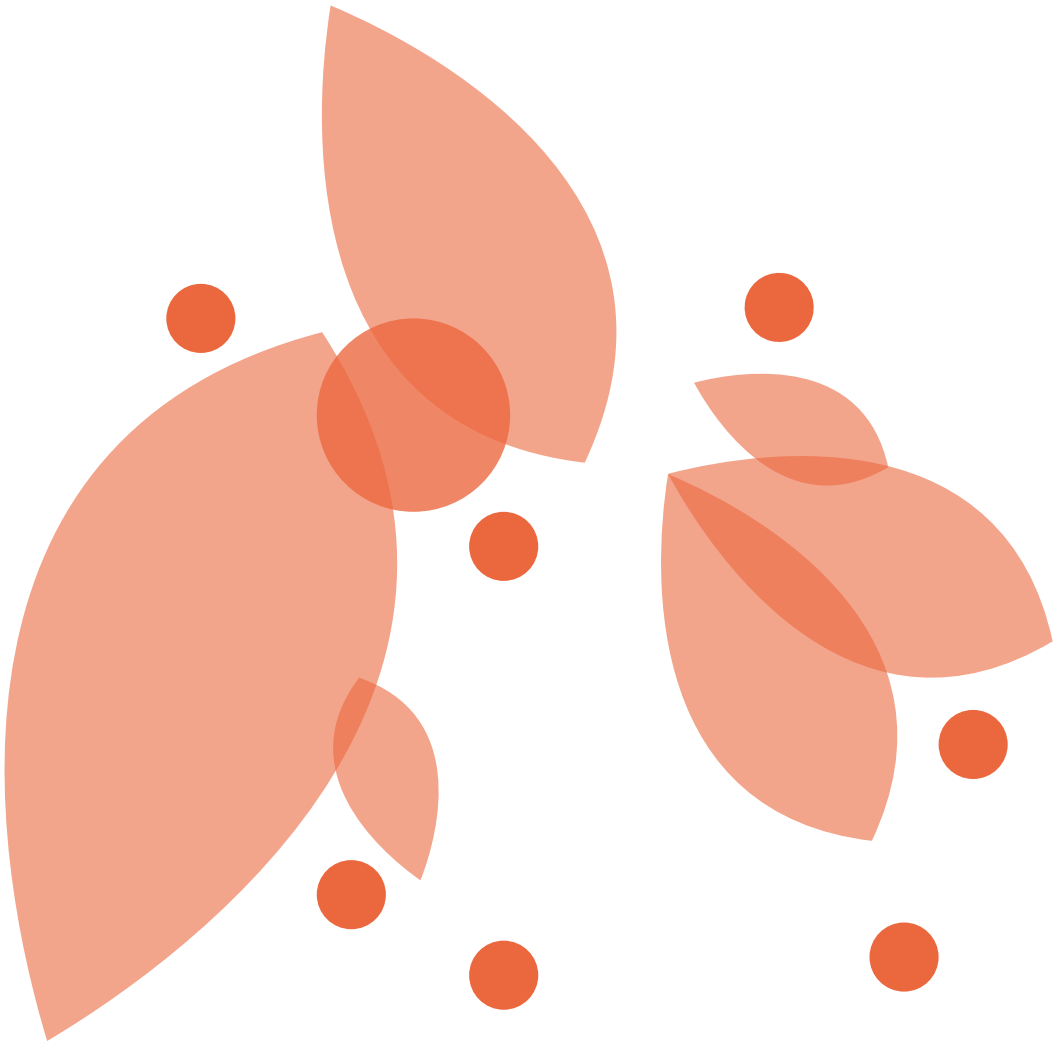
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Notes





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Victims of Crime Assistance Tribunal

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Authorised by Victims of Crime Assistance Tribunal,
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