



Victims of Crime Assistance Tribunal 2009–10 Annual Report





*Cover image: Magistrate Amanda Chambers, Supervising Magistrate
for the Victims of Crime Assistance Tribunal.*

Contents

Letter to Minister	3
Chief Magistrate’s Message	4
Introduction	5
Our Tribunal Members	9
Our Staff	11
Our Coordinating Committee	13
Our Activities and Achievements	14
How to apply for financial assistance	20
Financial assistance available from the Tribunal	21
How we determine applications for financial assistance	25
Our Statistical Report – Commentary	29
Our Statistical Report – Tables	36
Our Financial Report	49
Our Directory of Tribunal Members	52
Our Locations	54



Letter to Minister

3 September 2010

The Honourable Rob Hulls
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 2010.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. Gray', written in a cursive style.

Ian L Gray
Chief Magistrate

Chief Magistrate's Message

The past year has been a challenging one for the Victims of Crime Assistance Tribunal. A record 6,193 applications for financial assistance were received. This was a nine per cent increase on the previous record year (ending 30 June 2009), and a massive 64 per cent increase in applications lodged only five years ago (3,772 applications received in the year ending 30 June 2005).

I am proud to report that the Tribunal responded to the increased demand by finalising more applications for financial assistance, and registrars made more interim awards of financial assistance, than ever before. An increase in registrars' decision-making powers, and improved professional development and administrative processes have contributed to this impressive result. By maintaining its responsiveness to applicants, the Tribunal has ensured that the impact of the increasing number of applications is not felt by the victims of crime who approach the Tribunal for financial assistance and acknowledgement of their distress. We know that victims of crime value the sympathetic response of the Tribunal, and its support for their recovery from the impact of crime.

The Tribunal's detailed and considered response to the Victorian Government's *Reviewing Victims of Crime Compensation: Sentencing Orders and State-funded Awards* Discussion Paper, shows that the Tribunal is open to reflection upon its own practices and procedures to ensure that it is accessible to, and meaningful for, victims of crime in Victoria.

This emphasis on accessibility and responsiveness can be seen in the Koori VOCAT List (with a review of the pilot undertaken through 2009 and published in February 2010), and the Tribunal's approach to the 328 applications for financial assistance arising from the 2009 Victorian bushfires received at 30 June 2010. The Tribunal seeks to contribute to a comprehensive and integrated service to victims of crime through community consultation, effective communication with legal and community services, and flexible processes.

While the Tribunal sets high standards for itself and has worked to improve community awareness and accessibility to the Tribunal, increasing numbers of applications for financial assistance strain its resources. The Tribunal has maintained, but not improved, the timeliness of its overall responses. Delay discourages victims of crime, and diminishes the impact



Chief Magistrate Ian Gray

of the financial assistance and acknowledgement ultimately made available to them.

The Tribunal is accommodated within the Magistrates' Court of Victoria. Court venues are fully occupied. It is increasingly difficult for the Tribunal to provide appropriate facilities for victims of crime attending the busy court environment.

The challenges associated with ever increasing demand are acknowledged by the Tribunal and have been raised in its response to the Government's review.

The registrars and magistrates who undertake the work of the Tribunal continue to do so with commitment, diligence and genuine empathy. I commend and thank them.

The senior registrars and the magistrates who constitute the Tribunal's Coordinating Committee have collaborated very effectively to oversee the operation of the Tribunal. I thank all members of the Committee for their leadership.

Introduction

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

What we do

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

The Tribunal can make awards of financial assistance to victims of crime to cover the reasonable costs of counselling, medical expenses and safety-related expenses¹, loss of or damage to clothing worn at the time of the crime, loss of earnings, and in exceptional circumstances other expenses that will assist a victim in their recovery from a violent crime.

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

In 2010 the Tribunal received a letter from the victim of an assault, which illustrates the impact the Tribunal can have in acknowledging the experience of victims of crime. The letter in part reads:

"I wanted to take this opportunity to thank the Victims of Crime Assistance Tribunal for taking the time to read the material filed [in support of the application] and making an award in my favour. Almost a year after the assault this outcome will help both myself and my wife get closure over this nasty and unprovoked event... allowing us to move forward in our lives and trying to get back to where we were mentally and emotionally before the assault."

Who we are

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

Where we are

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

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

Statistical snapshot

Since its establishment on 1 July 1997, the Tribunal received 50,335 applications for financial assistance, and awarded \$400 million to victims of crime by way of 40,842² awards of financial assistance, and thousands of awards of interim financial assistance.

In the year ending 30 June 2010:

- 6,193 applications for financial assistance were lodged – the highest number in a single year since the Tribunal commenced on 1 July 1997
- 5,920 applications for financial assistance were finalised
- \$49.6 million in financial assistance was awarded
- 2,052 interim awards of financial assistance were made pending the final determination of applications for assistance
- 4,304 awards of financial assistance were made on the final determination of applications – where an award was not made, the application was usually withdrawn by the applicant or struckout by the Tribunal rather than refused
- 1,353 final awards of financial assistance were made following a hearing.

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

Increasing demand and financial assistance awarded

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

The number of applications for financial assistance finalised annually has grown in response to the increasing demand for financial assistance from the Tribunal. In the year ending 30 June 2010, the Tribunal made the highest number of awards under the *Victims of Crime Assistance Act 1996* in a single year since its commencement (see Chart 2).

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

The average amount of financial assistance awarded each year under the *Victims of Crime Assistance Act 1996* on the determination of applications for assistance increased steadily since the Tribunal's commencement (see Chart 4). Some of this increase is likely to be attributed to the introduction of special financial assistance from 1 July 2000, and increased amounts of special financial assistance that could be awarded from 1 July 2007.

² Twenty-two per cent of awards made related to applications for assistance lodged prior to the commencement of the Victims of Crime Assistance Tribunal on 1 July 1997.

Chart 1: Number of applications for financial assistance lodged annually, 1997/98 – 2009/10

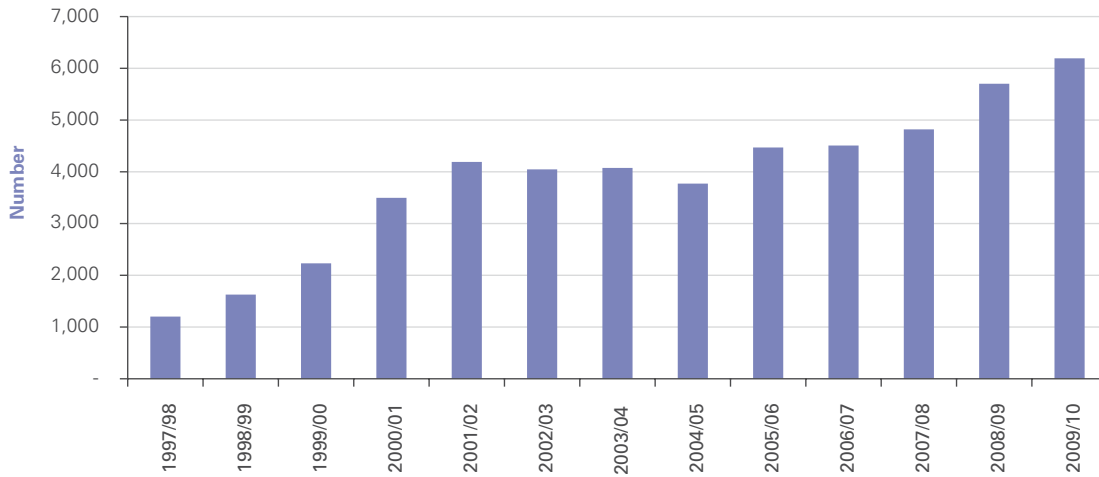


Chart 2: Number of awards made annually by legislative scheme, 1997/98 – 2009/10



Chart 3: Total amount of financial assistance awarded and legal costs ordered annually by legislative scheme, 1997/98 – 2009/10

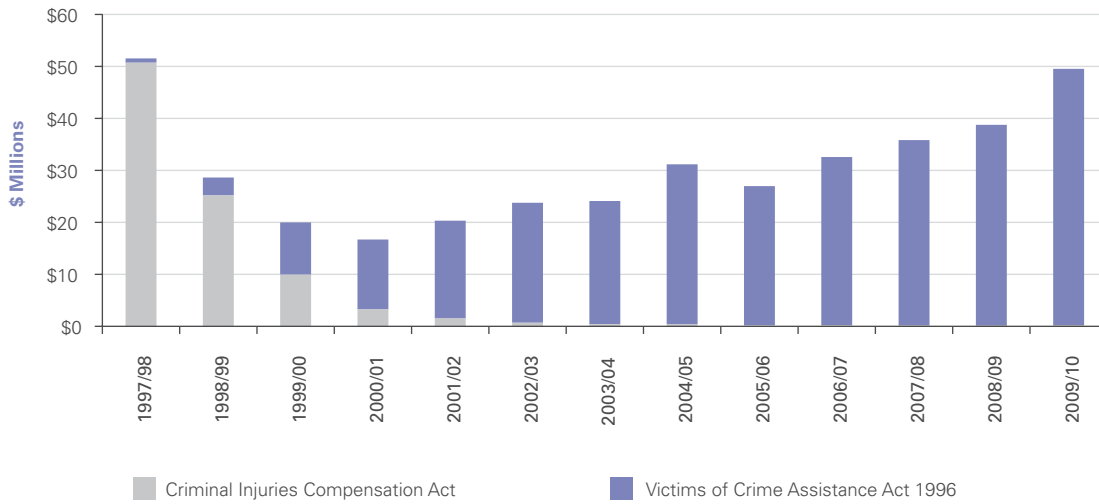
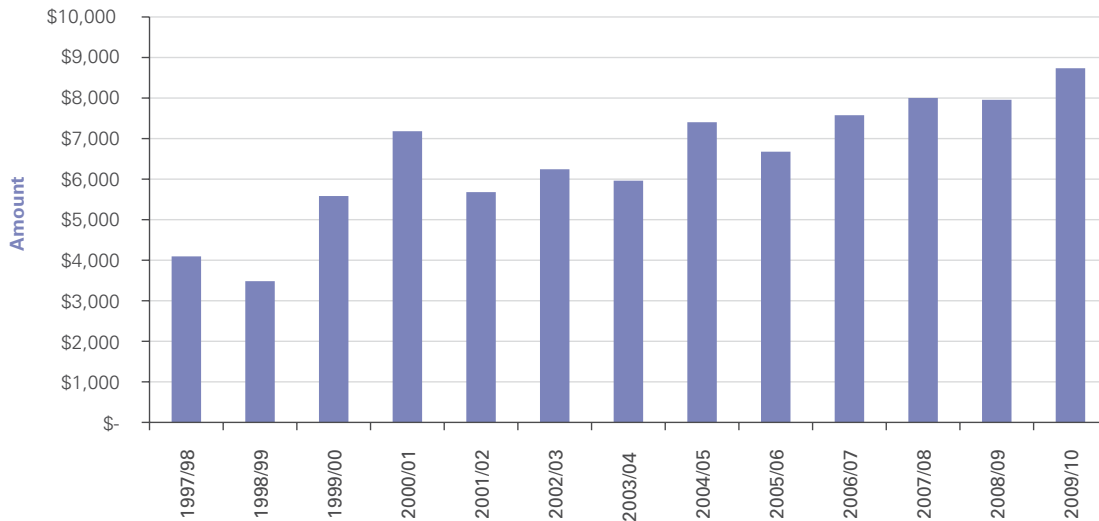


Chart 4: Average amount of financial assistance awarded under *Victims of Crime Assistance Act 1996* on determination of applications, 1997/98 – 2009/10



Our Tribunal Members

Composition of the Tribunal

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

In the year ending 30 June 2010, there were 119 magistrates and 12 acting magistrates who were members of the Tribunal.

Chief Magistrate's role

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

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

The role of a tribunal member

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

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

Complimentary roles of magistrate and tribunal member

The Chief Magistrate, Ian Gray, has previously observed that there is a complimentary benefit for magistrates sitting as tribunal members:

"It is my firm view that in working within this challenging jurisdiction, magistrates acquire an understanding of the impact of crime upon victims that informs sentencing decisions made within the criminal jurisdiction of the Magistrates' Court."³

This complimentary benefit is further demonstrated through the following reflection of a tribunal member:

"I presided over a murder committal in the Magistrates' Court where the accused was a family member of the deceased. During the committal hearing I heard from numerous family members and subsequently committed the accused to stand trial. Some weeks later, I was assigned the applications for financial assistance arising from the death and conducted a hearing at the request of the applicants. Given that some of the applicants had given evidence at the committal, not only did I feel that I had had an opportunity to assess their distress arising from the death of their family member, but I also felt the applicants were very open and at ease during the hearing at the Tribunal because of my 'familiarity' with them and the circumstances surrounding the death. I felt that this assisted the family greatly in the hearing process."

3 Annual Report of the Tribunal for the year ending 30 June 2008, p5

Supervising magistrates

A supervising magistrate for the Tribunal is appointed by the Chief Magistrate. Magistrates Amanda Chambers and Susan Wakeling have jointly held this position since April 2009.

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



From left: Magistrates Susan Wakeling and Amanda Chambers, joint Supervising Magistrates for the Tribunal

Our Staff

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

The role of a registrar

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

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

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

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

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



From left to right: Samantha Adrichem (Principal Registrar), Mereana White (Standards and Compliance Officer) and Kate Salter (Registry Manager, Melbourne)

"I love the investigative nature of the work of a tribunal registrar, the close relationships that registrars and tribunal members develop in this jurisdiction, and the opportunity to positively affect people's lives and their recovery from a crime by exercising our powers as registrars to award interim financial assistance."

Tribunal Registrar

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

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

Number of staff funded by the Tribunal

At 30 June 2010, the Tribunal funded 23.6 full-time registry positions across Victoria, and was further supported by registrars and administrative staff within the Magistrates' Court.

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

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

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

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

"I enjoy working within the Tribunal as we are a small team and always help each other out, and it is satisfying when assisting victims throughout their application...it is rewarding when the financial assistance awarded helps victims recover from the effects of crime."

Tribunal Registrar

Our Coordinating Committee

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

Committee role

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

Committee members

Tribunal members were represented by Magistrate Amanda Chambers (Joint Supervising Magistrate and Committee Chair), Deputy Chief Magistrates Daniel Muling and Felicity Broughton, Magistrates Susan Wakeling (Joint Supervising Magistrate), David Fanning, Catherine Lamble, Duncan Reynolds, Luisa Bazzani, and Johanna Metcalfe.

Registry staff were represented by Samantha Adrichem (Principal Registrar), Mereana White (Standards and Compliance Officer), Kate Salter (Registry Manager) and Gerard Hageman (Acting Registry Manager).

Committee activity

The Committee met regularly over the reporting period to consider a range of issues, including:

- the joint submission of the Tribunal and the Magistrates' Court of Victoria to the Department of Justice Discussion Paper *Reviewing Victims of Crime Compensation: Sentencing Orders and State-funded Awards*, and participation on the Review Steering Committee and Reference Group
- the Tribunal's management of, and response to, applications for financial assistance arising from major incidents, in particular, the 2009 Victorian bushfires
- legislative reform that will allow the Chief Magistrate to delegate powers and functions under the *Victims of Crime Assistance Act 1996* to judicial registrars
- the introduction of financial assistance for safety-related expenses incurred by primary victims from 1 July 2010
- amendments to the Victims of Crime Assistance (Procedure) Rules 2007 to set out a procedure for applications for review of decisions of judicial registrars, and amendments to the *Application for Assistance* form regarding claims for financial assistance for safety-related expenses
- the ongoing operation and further development of the Koori VOCAT List following confirmation of permanent funding for the position of Koori VOCAT List Registrar from 1 July 2009, and publication of a report regarding the operation of the Koori VOCAT List and recommendations for its future operation
- consideration of the outcome of applications to the Victorian Civil and Administrative Tribunal (VCAT) for the review of decisions, and a number of subsequent appeals to the Supreme Court of Victoria
- consideration of the restriction on the publication of information related to an application for financial assistance as provided by section 43 of the *Victims of Crime Assistance Act 1996*
- identifying relevant content for inclusion in training and professional development events for magistrates and registrars
- reviewing and endorsing a new procedure manual for registry staff that provides comprehensive information and guidelines about the jurisdiction of the Tribunal, the legal requirements that guide the consideration and determination of applications for financial assistance, and the procedures registrars should follow when managing and processing an application for assistance
- monitoring statistical information across venues regarding the increasing number of applications for financial assistance lodged and determined, awards of financial assistance made (including interim awards, particularly by registrars), and the amount of financial assistance awarded
- a panel of Victorian magistrates presenting 'practical tips' for managing non-adversarial courts and tribunals at the *AIJA Non-Adversarial Justice: Implications for the Legal System and Society Conference*
- regular meetings with the Victims Support Agency (Department of Justice) to discuss issues relating to services and support to victims of crime.

Our Activities and Achievements

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

Victims Compensation Review

The *Attorney-General's Justice Statement 2*, a statement of key strategic directions for the justice system, identifies that the Victorian Government is committed to reviewing current arrangements for victims compensation in Victoria.

In December 2009, the Department of Justice released the *Reviewing Victims of Crime Compensation: Sentencing Orders and State-funded Awards* Discussion Paper as part of a review of the current scheme. The discussion paper provided an overview of the current Victorian scheme, and sought feedback on ideas for reform. A joint submission to the paper was made in March 2010 by the Tribunal and the Magistrates' Court of Victoria.

The Tribunal's Supervising Magistrate and Principal Registrar are members of the Review's Steering Committee and Reference Group.

Further information about the Review is available from the Department of Justice website at www.justice.vic.gov.au (under the 'victims' link from the homepage).

Department of Justice

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

Legislative amendment

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

Judicial registrars

The ability of the Chief Magistrate to delegate powers under the *Victims of Crime Assistance Act 1996* to judicial registrars creates the potential for the Tribunal to respond to increasing demand for financial assistance, and increase the capacity of tribunal members to address the more complex applications for financial assistance, conduct hearings, and deal with additional matters within the Magistrates' Court of Victoria. No additional resources had been made available to the Tribunal to support the delegation of powers to judicial registrars at the time of reporting.

Financial assistance for safety-related expenses

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

The Tribunal may make awards of financial assistance for safety-related expenses from 1 July 2010, irrespective of whether the application for assistance was lodged before that date. Awards of financial assistance for safety-related expenses comprise part of the financial assistance that may be awarded to a primary victim for expenses incurred, or reasonably likely to be incurred, up to the maximum statutory limit of \$60,000.

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

Applications for assistance arising from major incidents

Within its regionalised system, the Tribunal has capacity to deal with significant issues at its principal registry at Melbourne, where consistency and coordination in relation to applications for financial assistance arising from a major incident is required.

Applications for financial assistance managed in this way over the last few years include those that arose from the Cardross driving incident in February 2006, the Burnley Tunnel incident in March 2007, the Kerang rail and William Street shooting incidents in June 2007, and the devastating 2009 Victorian bushfires.

The Tribunal also usually manages applications for financial assistance arising from sexual offences alleged to have been committed by one person against multiple applicants at the principal registry to promote consistency in administration and outcomes.

Applications arising from the 2009 Victorian bushfires

At 30 June 2010, the Tribunal had received 328 applications for financial assistance arising from the 2009 Victorian bushfires, of which three applications had been finalised (all were withdrawn). The majority of applications for financial assistance lodged in relation to the bushfires are made by people claiming assistance as primary victims, followed by those claiming assistance as related victims. The majority of applications arising from the Churchill and Delburn Complex fires are expected to be finalised by late 2010.

The financial assistance available from the Tribunal to people affected by the Victorian bushfires is limited by operation of the *Victims of Crime Assistance Act 1996*. The Tribunal is aware that some people affected by the fires will be entitled to financial assistance under the Act, while other people within the same community will not. The Tribunal acknowledges that there are people in bushfire affected communities who suffered enormously as a result of the loss of property, suffered the loss of loved ones, or suffered physical and/or emotional injury as a result of fires which were not caused by a violent criminal offence. These people are ineligible for financial assistance from the Tribunal.

In anticipation of applications for financial assistance being lodged following the bushfires, the Tribunal published information brochures in March and June 2009 to assist people affected by the fires, and those supporting them, to understand the role of the Tribunal and the financial assistance that may be available to them under the *Victims of Crime Assistance Act 1996*.

Applications relating to individual fires are being managed by a small group of tribunal members and registrars, with overall coordination provided by a supervising magistrate and the Principal Registrar.

Registry staff have regular and effective communication with members of the Phoenix Taskforce (Victoria Police) responsible for investigating the fires of 7 February 2009, and the Morwell Criminal Investigation Unit which is responsible for the investigation of the Delburn Complex fire.

Further, Tribunal representatives met with representatives of the Victorian Bushfire Reconstruction and Recovery Authority, and arrangements were made with the Victorian Bushfire Appeal Fund (Department of Human Services), Transport Accident Commission and Centrelink for the provision of information regarding assistance available and/or paid to applicants from alternative schemes following the bushfires. Registry staff are in regular contact with the Bushfire Case Management Service provided by Department of Human Services, and have met with case managers at a local level to discuss the assistance that may be available from the Tribunal to people affected by the bushfires.

Where it is appropriate to conduct hearings, it will take place at a tribunal venue within applicants' local communities.

Interim awards of financial assistance

The profile of decision-making within the Tribunal has undergone significant change over time. Under the *Criminal Injuries Compensation Act 1972* and *1983* and in the early years of operation of the *Victims of Crime Assistance Act 1996*, few interim awards of financial assistance were made. The Tribunal responded to this by participating in discussions with the Department of Justice regarding amendments to the Victims of Crime Assistance (Delegation) Regulations 2003 to enable more decisions regarding interim financial assistance to be made by registrars, and by discussing access to interim awards of financial assistance at forums for local victim support services and legal representatives conducted in partnership with the Victims Support Agency within the Department of Justice.

Since 2004, registrars have had delegated authority to make interim awards of financial assistance in some circumstances. The maximum cumulative amount of interim assistance that registrars could award was set at \$1,000, however, increased to \$5,000 in September 2008.⁴

As a result of the increased delegation, registrars made 51 per cent of all interim awards of assistance in the year ending 30 June 2010, compared to 38 per cent in the previous year, and 18 per cent in the year ending 30 June 2008. This has resulted in a significant reduction in the number of applications for interim financial assistance referred to tribunal members.

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

Koori VOCAT List

The Koori VOCAT List commenced as a three-year pilot from 1 July 2006. The Tribunal commenced operation of the List on its own initiative after broad consultation with the Koori community and service providers, and is consistent with wider reforms regarding the over-representation of Koori people within the Victorian justice system.

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

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

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

Representatives of the Department of Justice have advised the Tribunal that the Koori VOCAT List was praised in submissions received by the Department in response to the *Reviewing Victims of Crime Compensation: Sentencing Orders and State-funded Awards* Discussion Paper released in December 2009.

⁴ On 24 September 2008, the Chief Magistrate issued an Instrument of Delegation in which he delegated to registrars the power to hear and determine applications for interim financial assistance up to a cumulative maximum of \$5,000.

Koori VOCAT List Pilot: Review and Recommendations Report

In March 2010, the Tribunal published a report about the Koori VOCAT List, including information about its background and operations, feedback and suggestions for improvement from participants at the Tribunal's Koori VOCAT List Engagement Forum held in March 2009, and a detailed statistical report.

The report was prepared by Mereana White (Standards and Compliance Officer) in consultation with the Koori VOCAT List Steering Committee. The observations and recommendations contained in the report reflect the Tribunal's ongoing work to adapt its processes to respond to the particular circumstances and requirements of Koori victims of crime.

The report is available from the Tribunal's website at www.vocat.vic.gov.au.

Statistical report

At 30 June 2010, there were 601 applications for financial assistance in the List, of which 350 had been finalised (clearance rate of 58 per cent). In 2.7 per cent of all applications for financial assistance lodged with the Tribunal since 1 July 2006, the applicant identified as being Aboriginal and/or Torres Strait Islander (and therefore within the List).

Case processing times (that is, the elapsed time between lodgement and finalisation of an application) were longer for Koori victims of crime than other applicants (39 per cent of applications by Koori applicants finalised within 12 months, compared to 67 per cent for non-Koori applicants), however, the case processing times for those applications lodged after commencement of the List was much lower than those lodged prior to the commencement of the List (on average, 14 months, compared to 33 months).

Of the applications finalised since commencement of the List, an award of financial assistance was made to 72 per cent of applicants, which is slightly higher than the outcome for non-Koori applicants finalised over the same period (71 per cent). The proportion of applications that were refused was slightly higher within the List (three per cent, compared to two per cent for non-Koori List applicants). The balance of applications within each applicant group were either withdrawn or struck out.

Nomination for Award for Excellence

In June 2010, the Chief Executive Officer of the Magistrates' Court nominated the Koori VOCAT List for the *Australasian Institute of Judicial Administration 2010 Award for Excellence*. To be eligible for nomination, organisations or individuals must have undertaken activities that impact on the work of courts or tribunals in Australasia and improved access to justice, demonstrated innovation, and delivered real benefits for the justice system. The outcome of the nomination was pending at the time of reporting.

Training and support

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

Professional development and training for tribunal members

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

Registry conference

The annual registry conference was held in October 2009 for staff supporting the operation of the Tribunal across Victoria. The conference focused on registry activities and practices and decision-making by registrars, particularly in relation to determining applications for interim financial assistance, and was intended to support consistency in decision-making and administrative practice within registries across all tribunal venues. Following attendance at the conference, registrars reported that they had a better understanding of the role of the Tribunal, the role of a registrar in assisting victims of crime in their recovery, and legislative and procedural requirements.

Registry procedure manual and guidelines

The procedure manual for registry staff was reviewed and redeveloped for the purpose of supporting staff in performing their duties within the Tribunal. The purpose of the manual is to provide registrars with comprehensive information and guidelines about the jurisdiction of the Tribunal, the legal requirements that guide the consideration and determination of applications for assistance, and the procedures registrars should follow when managing and processing an application for assistance. It is intended that the new procedure manual will provide a framework for training of registry staff, and will support consistent registry standards and administrative practice across all tribunal venues.

Standards and Compliance Officer

In January 2008, the position of Standards and Compliance Officer was created as a 2.5 year fixed-term position to 30 June 2010. Key duties of the position included reviewing and redeveloping existing registry procedure manuals; developing, implementing and delivering a structured training program to registrars and administrative staff performing duties relating to the Tribunal; and contributing to the redevelopment of an internal audit framework.

This position made a significant contribution to improvements in the Tribunal's efficiency and responsiveness across all tribunal venues, and has provided invaluable support to the Principal Registrar and the Tribunal in the development and implementation of initiatives intended to improve the Tribunal's responsiveness to victims of crime. Due to the impact of the position, it will be funded on an ongoing basis from 1 July 2010.

Review of practice directions

To support consistency across venues, the Chief Magistrate issues practice directions and guidelines governing a wide range of the Tribunal's practices and procedures. The Tribunal's Coordinating Committee regularly reviews the practice directions, and makes recommendations to the Chief Magistrate for the issue of new practice directions where considered necessary.⁵

In April 2010, the Chief Magistrate issued Practice Direction 1/2010, which specifies the procedure to be followed in relation to claims for financial assistance for expenses not yet incurred by applicants.

Legal and community education and engagement

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

- participating in Regional Victim Service Forums in Bendigo, Shepparton, Traralgon and Warrnambool, conducted in conjunction with the Victims Support Agency (Department of Justice). The forums provided an opportunity for the Supervising Magistrate and Principal Registrar of the Tribunal to meet with and develop relationships with local legal practitioners, police and service providers; to explain its operations and procedures; develop relationships with local service providers; and to participate in discussion of initiatives designed to support victims of crime
- participating in continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program, Victims of Crime Helpline (Department of Justice), and the Witness Assistance Service within the Office of Public Prosecutions
- providing information about the Tribunal to members of the Greek community at a community forum in March 2010, organised by the Victim Support Agency
- holding an information session about the Tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week in May 2010
- magistrates and registry staff from Melbourne participated in an 'Open House' event for delegates attending the Australasian Institute of Judicial Administration's (AIJA) *Non-Adversarial Justice: Implications for the Legal System and Society Conference* in May 2010, in which they discussed the role of the Tribunal with international and interstate delegates
- Magistrate Susan Wakeling participated in a panel session at the AIJA conference in May 2010 (see above), in which she discussed the development, implementation and operation of the Koori VOCAT List
- Magistrate Brian Wright presented a lecture on the *Victims of Crime Assistance Act 1996* and tribunal procedures to the Fitzroy Legal Service in May 2010.

⁵ See sections 45 and 58 of the *Victims of Crime Assistance Act 1996*

Applications for review of decisions

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

Appeals to the Supreme Court of Victoria

The Tribunal, as primary decision-maker, participated in three proceedings in the Supreme Court of Victoria in the year under review. The Tribunal was legally represented in each proceeding.

Counsel assisting the Tribunal

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

Website

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

In the year under review, the website was visited by 22,418 unique browsers, compared to 26,878 in the previous year (a decrease of 17 per cent). As with the previous year, the publication/form most commonly downloaded from the website was the *Application for Assistance* form (4,409 downloads, compared to 3,556 in the previous year – an increase of 24 per cent).

The structure and content of the website will be reviewed from July 2010. This is expected to result in structural and content change to improve the website's accessibility and usefulness.

Ongoing development of a new case management system

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

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

The new case management system was introduced into the Supreme Court of Victoria in the year under review. Although the new system is not scheduled to be implemented within the Tribunal for some time, the Principal Registrar, tribunal members and registry staff continue to contribute to its development as the design and structure of the common system and implementation issues are relevant to all jurisdictions.

How to apply for financial assistance

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

How to apply for financial assistance

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

When application is to be lodged

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

Where to lodge an application

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

Who is eligible for financial assistance from the Tribunal?

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

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

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

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

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

Financial assistance available from the Tribunal

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

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

Financial assistance available

Expenses

The Tribunal can award an eligible applicant financial assistance for:

- reasonable counselling expenses
- reasonable medical expenses (including dental, optometry, physiotherapy, hospital and ambulance expenses)
- reasonable safety-related expenses (from 1 July 2010)
- reasonable funeral expenses
- in exceptional circumstances, other reasonable expenses that will assist an applicant in their recovery from the crime.

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

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

Amounts of financial assistance awarded for expenses not yet incurred will only be paid by the Tribunal on the submission of an invoice or receipt relating to the expense. Examples of such expenses include ongoing counselling, surgery that will be required in the future, or the installation of a home security system to assist a victim in their recovery from a violent crime that occurred at home. The Tribunal will not pay for such expenses until the services or goods have been provided to the applicant, and an invoice or receipt is filed with the Tribunal.¹

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

¹ Section 55(2) of the *Victims of Crime Assistance Act 1996*.

Other expenses to assist an applicant in their recovery

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

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



This is an illustration (reproduced with permission) sent to the Tribunal by an applicant who received an award of financial assistance to undertake an art course to assist in her recovery.

Loss of earnings

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

Special financial assistance

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

In introducing special financial assistance for primary victims for crimes committed from 1 July 2000, the Attorney-General advised that the amount of special financial assistance available to victims of crime was not intended to reflect what could be obtained at common law, nor to make up for the harm that a victim has suffered from an act of violence, but was intended to constitute a tangible expression of the community's sympathy and concern for victims who suffered from violent crime.⁶

The amount of special financial assistance that may be awarded is determined by a categorisation of the crime (categories A to D as set out in the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000), and the particular circumstances of the primary victim or the injury suffered. Crimes within Category A include serious sexual assaults, attempted murder and acts that cause very serious injury; Category B includes indecent assault and armed robbery; Category C includes offences involving threats of death and conduct endangering life and other serious offences committed against the elderly, the very young or the impaired; and Category D includes offences involving a threat of injury, assault and attempted assault.

The minimum and maximum amounts of special financial assistance that may be awarded within each category are set out in section 8A(5) of the *Victims of Crime Assistance Act 1996*, and varies based upon when the crime occurred (the minimum and maximum amounts that may be awarded increased from 1 July 2007, for crimes committed on or after that date). A primary victim does not have to have suffered a physical or psychological injury to be eligible for special financial assistance. If the Tribunal is satisfied that a primary victim has suffered grief, distress or trauma (that is, a *significant adverse effect*) as a result of the crime being committed against them, it may award a minimum amount of special financial assistance (which ranges from \$130 to \$4,667, depending on the category of the crime). The Tribunal may award an additional amount of special financial assistance (up to the maximum which ranges from \$650 to \$10,000) if satisfied that a primary victim has suffered an *injury* as a direct result of a crime committed against them.

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

Awards of special financial assistance are usually only available to primary victims where the crime occurred on or after 1 July 2000. However, some victims of childhood sexual assault committed before 1 July 2000 may be eligible for special financial assistance in some circumstances.⁷

Distress and Dependency

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

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

⁶ Victoria, Legislative Assembly, 26 May 2000, p.1911

⁷ Refer to section 77 of the *Victims of Crime Assistance Act 1996* for the circumstances in which the Tribunal may award special financial assistance to victims of childhood sexual assault committed prior to 1 July 2000.

Amount of financial assistance available

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

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

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

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

Financial assistance pending determination of application

Pending the final determination of an application for financial assistance, the Tribunal may make an interim award of financial assistance for expenses directly arising from the alleged crime. Interim awards of financial assistance are usually of an urgent nature, and are most often made for counselling and funeral expenses.

Awards held in trust

Awards of financial assistance to an applicant who is a minor, or a person who is who is incapable due to injury, disease, senility, illness or physical or mental infirmity of managing his or her affairs in relation to the proceeding, will be held on trust on behalf of the applicant, unless the Tribunal orders otherwise.

Legal costs

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

The Chief Magistrate has published guidelines to aid tribunal members in determining the amount of legal costs to be paid by the Tribunal, for both preparation and appearance fees.⁸

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

Eligibility for financial assistance from other sources

In determining the amount of financial assistance (if any) to be awarded to an applicant, the Tribunal must take into account any other entitlements, payments or benefits the applicant has received in relation to the alleged crime, or is entitled to receive, from alternative sources (including but not limited to the Transport Accident Commission, Victorian WorkCover Authority, health insurance schemes, the Victorian Bushfire Appeal Fund and compensation from the offender under the *Sentencing Act 1991*).⁹ This reflects one of the objectives of the *Victims of Crime Assistance Act 1996*, in that the financial assistance available under the Act may only be awarded where compensation cannot be obtained from another source.¹⁰

The Act further provides that the Tribunal may require an applicant to refund some or all of the financial assistance awarded to them if they later receive damages, compensation, assistance or payments of any kind for their injury suffered as a result of a violent crime.¹¹

⁸ See the Chief Magistrate's Guideline 1/2007, available from the Tribunal's website at www.vocat.vic.gov.au.

⁹ Section 16 of the *Victims of Crime Assistance Act 1996*

¹⁰ *Ibid.* See section 1(4)

¹¹ *Ibid.* Section 62(1)

How we determine applications for financial assistance

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

When financial assistance may be awarded

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

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

The Tribunal may award financial assistance even though no person has been charged with, found guilty of, or convicted of an offence arising from the violent crime committed.

Determining whether a violent crime occurred

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

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

Determining the injury suffered

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

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

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

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

Determining eligibility to receive financial assistance

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

- whether the crime was reported to police within a reasonable time
- the assistance provided by the applicant to police to investigate or prosecute the alleged crime
- the conduct and attitude of the applicant prior to, during and after the crime
- the character of the applicant, including past criminal activity
- whether the offender will benefit from an award of financial assistance made to the applicant

- any damages that the applicant has recovered from the offender
- any compensation, assistance or payment that the applicant has received, or is entitled to receive, from other sources such as WorkCover, the Transport Accident Commission and insurance schemes.

Hearings

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

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

The Tribunal is intended to be *“a sympathetic and compassionate forum for applicants to relate their experience as victims of crime, recognising that a hearing often provides an avenue for victims to receive open acknowledgement and validation that they have been victimised”*.¹²

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

The validation some victims receive through the hearing process is, in the experience of the Tribunal, a significant benefit of the current scheme. The benefit is perhaps best illustrated in correspondence received by the Tribunal from a senior solicitor within the Office of the Public Prosecutions after the Tribunal conducted a hearing at the request of a rape victim, following the conclusion of a criminal proceeding against the offenders. The victim had expressed concern about the way in which the criminal justice system dealt with victims of sexual assault, but spoke positively about her experience with the Tribunal:

“[The applicant] did say, however, that you [the Tribunal Member] greatly assisted in making her feel that she was important and her claims were valid at the VOCAT [Tribunal] hearing. She said it was the only time she felt that the court acknowledged her in the whole process... the hearing made a huge difference to her and helped provide her with some sense of vindication. ”

On hearing an application for financial assistance, the Tribunal is not required to conduct itself in a formal manner and is not bound by rules of practice as to evidence but may inform itself in relation to the matter in any manner that it thinks fit.¹³ While decision-makers in the Tribunal are not bound by the rules of evidence, considerations of fairness and reliability on which the rules are based are relevant to the Tribunal's fact-finding process.

As with other administrative tribunals, any question of fact is decided by the Tribunal on the balance of probabilities.¹⁴ Administrative decision makers are generally entitled to investigate the facts before making their decision, and the Act specifically gives the Tribunal investigative powers to make any enquiry or carry out any investigation to furnish it with the information that it requires to determine an application.¹⁵

¹² *Victims of Crime Assistance (Amendment Bill)*, Second Reading Speech, 26 May 2000 (Attorney-General, Rob Hulls).

¹³ Section 38 of the *Victims of Crime Assistance Act 1996*

¹⁴ *Ibid.* See section 31

¹⁵ *Ibid.* See section 39(1)

A tribunal member's perspective

"Earlier this year, I dealt with applications for financial assistance by a number of women who were sexually abused by the same offender when they were young girls. The applicants were known to each other.

The offender was prosecuted and pleaded not guilty to the offences, requiring each of the women to give evidence at a trial. The offender was sentenced to a lengthy term of imprisonment.

I was informed that the applicants chose to attend a hearing, and as they knew each other, elected to have the applications heard together.

It was obvious to me from the outset that each woman viewed the hearing as an important part of the process which started with the reporting of the crime. I started the hearing by explaining my role and function, inviting informality and direct involvement from the applicants, including asking any questions. Each applicant had prepared a statement in her own words, to tell me what happened to her and what the effects of this abuse had been, for her. It was an extremely moving experience to hear what each woman had to tell me. It was honestly quite difficult to manage the emotion of it too - it was one of the most difficult cases I have dealt with, in that regard. Listening to these women and hearing from them about their childhoods ruined by the offender, and the implications for them as teenagers and later as adults, was very compelling and very very sad.

I was able to award them each an amount for special financial assistance, and also, based on what I had been told and read about them, financial assistance for expenses that would assist them in their recovery.

I think that this case was an example of how the Tribunal can apply both sensitivity and common sense in helping victims of crime deal with the impact of what has happened to them. It will also better equip me to understand the experiences of victims when hearing criminal charges of a similar nature as a magistrate."

Time taken to determine applications for assistance

The time taken to finalise an application for financial assistance will vary between applications. In determining an application, the Tribunal is required by the *Victims of Crime Assistance Act 1996* and procedural fairness to have regard to certain matters, which impact on the time taken to finalise an application.

Before finalising an application, a tribunal member may determine that it is appropriate to await the outcome of a criminal investigation, trial or inquest; may request that further enquiries be made or that the alleged offender be notified of the application; or decide to wait for an injury to stabilise so that an accurate prognosis can be provided to the Tribunal. In applications for financial assistance by related victims of an act of violence, time may be required to identify and communicate with all potential related victims of a deceased primary victim to advise them of their possible right to apply to the Tribunal for financial assistance.

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

Listing protocols

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

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

At 30 June 2010, waiting times exceeded those set out in the protocols at one metropolitan venue.

Variation of awards

The Tribunal may vary an award of financial assistance in any manner that it thinks fit, whether as to the terms of the award, or by increasing or decreasing the amount of financial assistance awarded. The Tribunal must not vary an award after more than six years from the date the original award was made or, if the award was made in favour of a minor, not after that person attains the age of 24 years.¹⁶

Applications for review of decisions

Applicants who are dissatisfied with a decision of the Victims of Crime Assistance Tribunal (VOCAT) may apply to the Victorian Civil and Administrative Tribunal (VCAT) for that decision to be reviewed.¹⁷ Upon review, VCAT may confirm or vary the original order, set the original order aside and make a new order or return the application to the original decision-maker to be reconsidered.¹⁸

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

¹⁶ Section 60 of the *Victims of Crime Assistance Act 1996*

¹⁷ *Ibid.* See section 59

¹⁸ Section 51 of the *Victorian Civil and Administrative Tribunal Act 1998*

Our Statistical Report – Commentary

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

Total amount of financial assistance awarded

In the 12 months ending 30 June 2010, the Tribunal awarded \$49,582,976 in financial assistance and legal costs to victims of crime, compared to \$38,763,690 in the previous year (increase of 28 per cent). The Tribunal awarded the highest amount under the *Victims of Crime Assistance Act 1996* in a single year since the scheme commenced on 1 July 1997.

Applications for financial assistance lodged

In the year ending 30 June 2010:

- 6,193 applications for financial assistance were lodged with the Tribunal, compared to 5,702 in the previous year (an increase of nine per cent). This is the highest number of applications lodged in a single year since the Tribunal commenced on 1 July 1997.¹⁹
- fifty per cent of applications for assistance were made by female applicants, compared to 49 per cent in the previous year.
- the increase in the number of applications was largely driven by an increase in applicants seeking assistance as related victims of a deceased primary victim (homicide related offences)²⁰, assault offences²¹, and arson related offences (arising from the 2009 Victorian bushfires).²²
- applications arising from allegations of assault comprised 55 per cent of all applications for assistance lodged, which is consistent with the previous year (56 per cent).

- the Tribunal received 3,380 applications where the alleged crime was identified as an *assault* offence, compared to 3,194 in the previous year (an increase of six per cent). Applications by male applicants within this category increased by five per cent (2,088 applications, compared to 1,980 in the previous year), while applications by female applicants within this category increased by six per cent (1,292 applications, compared to 1,214 in the previous year).
- the Tribunal received 663 applications where the alleged crime was identified as a *homicide* offence (includes allegations of attempted murder and culpable driving), compared to 515 in the previous year (an increase of 29 per cent).
- the Tribunal received 318 applications where the alleged crime was identified as a *rape* offence, compared to 264 in the previous year (an increase of 20 per cent). Applications by male applicants within this category increased by 19 per cent (38 applications, compared to 32 in the previous year), while applications by female applicants within this category increased by 21 per cent (280 applications, compared to 232 in the previous year).
- the Tribunal received 263 applications where the alleged crime was identified as a *criminal damage by fire* offence, compared to 107 in the previous year (an increase of 146 per cent). The majority of applications lodged within this category in the reporting period and previous year arose from the 2009 Victorian bushfires.

19 An application for assistance may not be made until months, or in some cases years, after a crime occurs. The increase in applications for assistance lodged in the reporting period may not be driven by crimes committed during the reporting period.

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

21 The *Assault* category includes offences such as intentionally/recklessly causing serious injury, reckless conduct endangering life, unlawful assault, and assault with a weapon.

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

Outcome of finalised applications for financial assistance

Outcome of applications

Of the applications for financial assistance finalised in the year ending 30 June 2010:

- 5,920 orders were made finalising applications, compared to 5,002 in the previous year (an increase of 18 per cent). Of the orders made, 73 per cent were awards of financial assistance, which is slightly higher than the previous year (71 per cent).²³
- 4,304 applicants were awarded financial assistance, compared to 3,547 in the previous year (an increase of 21 per cent).
- thirty-one per cent of awards were made following a hearing (1,353 awards), which is consistent with the previous year (1,123 awards).
- 156 applications were refused, compared to 125 in the previous year (an increase of 25 per cent). The number of applications that were refused comprised 2.6 per cent of all finalising orders made in the reporting period, which is consistent with the previous year (2.5 per cent).
- 1,454 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,324 in the previous year (an increase of ten per cent).
- 3,535 awards of financial assistance were made to primary victims, compared to 2,999 in the previous year (an increase of 18 per cent). As in previous years, the majority of awards were made to primary victims (82 per cent, compared to 85 per cent in the previous year).
- 338 awards of financial assistance were made to secondary victims, compared to 263 in the previous year (an increase of 29 per cent). Secondary victims represented eight per cent of all awarded applicants, which is slightly higher than the previous year (seven per cent).
- 416 awards of financial assistance were made to related victims, compared to 270 in the previous year (an increase of 54 per cent). Related victims represented ten per cent of all awarded applicants, which is slightly higher than the previous year (eight per cent).

- forty-eight per cent of awarded applicants were female, compared to 49 per cent in the previous year.
- the crime in 55 per cent of applications where an award was made was an assault offence (compared to 57 per cent in the previous year), followed by a non-rape sex offence (14 per cent, which is consistent with the previous year), and a homicide related offence (11 per cent compared to ten per cent in the previous year).

Amount of financial assistance awarded on determination of applications

In the year ending 30 June 2010:

- \$37,616,974 in financial assistance (excluding legal costs) was awarded to victims of crime on the determination of applications for financial assistance, compared to \$28,234,973 in the previous year (an increase of 33 per cent).
 - › \$30,464,298 in financial assistance was awarded to applicants for expenses already incurred by them, and payments for special financial assistance, distress and loss of earnings compared to \$23,195,337 in the previous year (an increase of 31 per cent). This amount comprises 81 per cent of the total amount of financial assistance awarded, compared to 82 per cent in the previous year.
 - › \$7,152,676 in financial assistance was awarded to applicants for future expenses, compared to \$5,039,637 in the previous year (an increase of 42 per cent). This amount comprises 19 per cent of the total amount of financial assistance awarded, compared to 18 per cent in the previous year.
- the average amount of financial assistance awarded on determination of an application for assistance was \$8,740, compared to \$7,960 in the previous year (an increase of ten per cent).²⁴ This increase is largely attributed to increases in the average amount of financial assistance awarded to related victims for distress, and in the average amount of special financial assistance awarded to primary victims.

²³ An application for financial assistance is finalised by the application being granted (that is, an award of financial assistance is made), refused, struck out or withdrawn. Such outcomes are referred to in this report as finalising orders.

²⁴ This has been calculated by dividing the total amount of financial assistance awarded on determination of applications for assistance (excluding legal costs), by the number of awards of assistance made.

Special financial assistance

In the year ending 30 June 2010:

- almost all primary victims (96 per cent) were awarded special financial assistance on the final determination of applications for financial assistance, which is slightly lower than the previous year (97 per cent).
 - 3,409 primary victims were awarded special financial assistance, compared to 2,900 in the previous year (an increase of 18 per cent).
 - primary victims were most often awarded special financial assistance for Category C offences (36 per cent), followed by Category A offences (25 per cent), Category B offences (22 per cent) and Category D offences (17 per cent).²⁵
 - the number of primary victims awarded special financial assistance by category of offence was:
 - › Category A – 860 primary victims, compared to 714 in the previous year (an increase of 20 per cent)
 - › Category B – 756 primary victims, compared to 671 in the previous year (an increase of 13 per cent)
 - › Category C – 1,212 primary victims, compared to 1,019 in the previous year (an increase of 19 per cent)
 - › Category D – 581 primary victims, compared to 496 in the previous year (an increase of 17 per cent)
 - the Tribunal awarded the highest annual amount of special financial assistance since its introduction on 1 July 2000. This is attributed to the increase in the number of applications for financial assistance made to the Tribunal by primary victims in recent years and subsequently determined, and the increase in the amount of special financial assistance that could be awarded from 1 July 2007 (for acts of violence committed on or after that date).
 - special financial assistance comprised 28 per cent of the total amount of financial assistance awarded on the determination of applications for financial assistance, which is slightly lower than the previous year (30 per cent).
- \$10,683,929 in special financial assistance was awarded to primary victims on the determination of applications for financial assistance, compared to \$8,414,420 in the previous year (an increase of 27 per cent). The amount of special financial assistance awarded increased across each category of offence.
 - the average amount of special financial assistance awarded to primary victims was \$3,134, compared to \$2,902 in the previous year (an increase of eight per cent).²⁶ The average amount of assistance awarded by category of offence was:
 - › Category A - \$7,883, compared to \$7,353 in the previous year (an increase of seven per cent)
 - › Category B - \$2,716, compared to \$2,527 in the previous year (an increase of seven per cent)
 - › Category C - \$1,231, compared to \$1,173 in the previous year (an increase of five per cent)
 - › Category D - \$620, compared to \$551 in the previous year (an increase of 13 per cent)
 - the average amount of special financial assistance awarded by category demonstrates that most primary victims awarded special financial assistance are satisfying the Tribunal that they have suffered an injury as a direct result of a violent crime committed against them, and are therefore being awarded the maximum amount available within each category of offence.

Distress

In the year ending 30 June 2010:

- \$8,007,966 was awarded to related victims for distress on the determination of applications for financial assistance, compared to \$4,667,090 in the previous year (an increase of 72 per cent). The increase in the amount awarded for distress in comparison to previous years is attributed to the Tribunal finalising a larger number of claims by related victims in comparison to previous years.
- the average amount of financial assistance awarded to related victims for distress was \$19,437, compared to \$17,286 in the previous year (an increase of 12 per cent).

²⁵ Refer to the Victims of Crime (Special Financial Assistance) Regulations 2000 for information about the acts of violence within Categories A, B, C and D.

²⁶ The average amount of special financial assistance awarded is calculated by dividing the total amount of special financial assistance awarded by the number of primary victims who were awarded special financial assistance. In previous reports, the average amount of special financial assistance awarded on determination of applications for financial assistance was calculated by dividing the amount of special financial assistance awarded by the number of primary victim awards made. Not all primary victims were awarded special financial assistance.

Loss of earnings

In the year ending 30 June 2010:

- \$3,608,816 in financial assistance was awarded for lost earnings on the determination of applications for financial assistance, compared to \$3,147,965 in the previous year (an increase of 15 per cent).
- the average amount of financial assistance awarded for lost earnings was \$4,991, compared to \$5,562 in the previous year (a decrease of 10 per cent).
- seventeen per cent of awarded applicants received financial assistance for lost earnings (723 applicants), which is consistent with the previous year (16 per cent / 566 applicants).

Medical expenses

In the year ending 30 June 2010:

- \$3,019,863 in financial assistance was awarded for medical expenses on the determination of applications for financial assistance, compared to \$2,362,651 in the previous year (an increase of 28 per cent). This amount comprised:
 - › \$1,709,899 in financial assistance for medical expenses already incurred by applicants, compared to \$1,532,381 in the previous year (an increase of 12 per cent). This represented 57 per cent of the total amount awarded for medical expenses, compared to 65 per cent in the previous year.
 - › \$1,309,964 in financial assistance for future medical expenses, compared to \$830,270 in the previous year (an increase of 58 per cent).

Other expenses to assist recovery

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

In the year ending 30 June 2010:

- \$8,271,958 in financial assistance was awarded for other expenses to assist recovery pursuant to section 8(3) of the *Victims of Crime Assistance Act 1996* on the determination of applications for assistance, compared to \$6,615,475 in the previous year (an increase of 25 per cent).

This amount comprised:

- › \$4,519,069 in financial assistance for other expenses already incurred by applicants, compared to \$3,889,273 in the previous year (an increase of 16 per cent). This represented 55 per cent of the total amount awarded for other expenses, compared to 59 per cent in the previous year.
- › \$3,752,889 in financial assistance for other expenses to be incurred in the future, compared to \$2,726,202 in the previous year (an increase of 38 per cent).

Counselling expenses

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

Legal costs

In the year ending 30 June 2010:

- \$4,489,057 in legal costs (including disbursements) was ordered to be paid on the determination of applications for financial assistance, compared to \$3,554,526 in the previous year (an increase of 26 per cent). The increase in the amount of legal costs ordered to be paid by the Tribunal in comparison to previous years is attributed to the increased number of applications for assistance lodged with and subsequently determined by the Tribunal during the reporting period.
- the average amount of legal costs ordered to be paid was \$1,043, compared to \$1,002 in the previous year (an increase of four per cent).²⁷

²⁷ Average legal costs ordered to be paid have been calculated by dividing the total amount ordered to be paid for legal costs by the number of awards of financial assistance made. Note that legal costs will not be ordered where an applicant is not legally represented, and may be ordered even where an application for financial assistance is refused, or on the variation of an award.

Interim awards of financial assistance

In the year ending 30 June 2010:

- \$4,117,438 in interim financial assistance was awarded pending the final determination of applications for financial assistance, compared to \$4,115,176 in the previous year (an increase of 0.1 per cent). This amount comprised:
 - › \$1,995,735 in interim financial assistance for expenses already incurred by applicants, compared to \$1,976,073 in the previous year (an increase of one per cent). This represented 48 per cent of the total amount of interim financial assistance awarded, compared to 52 per cent in the previous year.
 - › \$2,121,703 in interim financial assistance for expenses to be incurred by applicants in the future, compared to \$2,139,103 in the previous year (a decrease of one per cent).
- interim financial assistance was most often awarded for counselling expenses, followed by funeral and medical expenses. Sixty-three per cent of the interim financial assistance awarded was for counselling expenses (reports and sessions), compared to 61 per cent in the previous year.
- 2,052 interim awards of financial assistance were made for expenses already incurred by applicants, compared to 2,200 in the previous year (a decrease of seven per cent). The decrease is attributed to a reduction in the number of interim awards of assistance made for the payment of medical reports. The number of interim awards of assistance made by decision-maker was as follows:
 - › 1,002 interim awards of financial assistance were made by tribunal members, compared to 1,368 in the previous year (a decrease of 27 per cent); and
 - › 1,050 interim awards of financial assistance were made by registrars, compared to 832 in the previous year (an increase of 26 per cent).

Variation of awards

In the year ending 30 June 2010:

- \$3,180,259 in financial assistance (excluding legal costs) was awarded on the variation of awards previously made, compared to \$2,784,332 in the previous year (an increase of 14 per cent). This amount comprised:
 - › \$1,881,167 in financial assistance for expenses already incurred by applicants, compared to \$1,819,134 in the previous year (an increase of three per cent). This represented 59 per cent of the total amount of financial assistance awarded on variation, compared to 65 per cent in the previous year.
 - › \$1,299,092 in financial assistance for expenses to be incurred by applicants in the future, compared to \$965,198 in the previous year (an increase of 35 per cent).
- 1,174 awards were varied to award financial assistance for expenses already incurred by applicants, compared to 1,134 in the previous year (an increase of four per cent).
- the financial assistance awarded on variation was most often awarded for counselling and medical expenses, and other expenses to assist recovery upon exceptional circumstances being established by applicants.

Applications for review of decisions

In the year ending 30 June 2010:

- twenty-five applications seeking a review of decisions of the Victims of Crime Assistance Tribunal (VOCAT) were lodged with Victorian Civil and Administrative Tribunal (VCAT). In 16 applications VOCAT had refused to make an award of assistance; in seven applications VOCAT had made an award of assistance and the applicant sought a review of the amount awarded; and in two applications the applicants sought a review of VOCAT's decision to refuse to vary awards of assistance.
- twenty-nine applications for review were finalised by VCAT.
- in ten (34 per cent) of the finalised applications for review, VCAT either set VOCAT's order aside or made an award of assistance (nine applications), or varied the award made by VOCAT (one application). In these applications, VCAT awarded \$62,469 in financial assistance, of which 64 per cent was for special financial assistance.
- in seven (24 per cent) of the finalised applications for review, the order of VOCAT was affirmed by VCAT.

- in ten (34 per cent) of the finalised applications for review, the application did not proceed and was either withdrawn or struck out.
- in two (seven per cent) of the finalised applications for review, VCAT remitted the applications back to VOCAT for determination.

Case processing times

Case processing time is measured as the time between an application being lodged and finalised.²⁸

Despite increasing caseload, the time taken to determine applications for financial assistance remained stable over the last four years, with 67 per cent of applications for assistance finalised within 12 months of lodgement. Almost half of the applications finalised over this period were finalised within three to nine months of lodgement (51 per cent). Over the same period, there was an increase in the number of awards of interim financial assistance made, and an increase in the number made by registrars – increasing access to assistance for urgent expenses pending the final determination of an application for assistance.

Of the applications for financial assistance finalised in the year ending 30 June 2010:

- fifty per cent of applications were finalised within 9 months of lodgement, which is slightly lower than the previous year (51 per cent).
- sixty-six per cent of applications were finalised within 12 months of lodgement, which is slightly lower than the previous year (67 per cent).

Pending caseload

Pending caseload refers to the number of applications for financial assistance waiting to be finalised at a given point in time. The duration for which an application has been pending is measured as the time between the date that an application was lodged and 30 June 2010.

On 30 June 2010:

- 6,782 applications for assistance were pending, compared to 6,162 on 30 June in the previous year (an increase of ten per cent). The increase in the number of applications pending is attributed to the increased number of applications for assistance lodged over this and previous reporting periods that had not been finalised at 30 June 2010.
- 41 per cent of pending applications had been pending for more than 9 months, which is slightly higher than the previous year (40 per cent).
- 30 per cent of pending applications had been pending for more than 12 months, which is consistent with the previous year.

Financial assistance for counselling expenses

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

Amount of financial assistance awarded for counselling expenses

In the year ending 30 June 2010:

- a total amount of \$6,994,031 in financial assistance was awarded for counselling expenses (reports and sessions) by way of interim awards, final awards and variations to awards, compared to \$5,801,759 in the previous year (an increase of 21 per cent). This represents 16 per cent of the total amount of financial assistance awarded, compared to 17 per cent in the previous year.
- of the total amount of financial assistance awarded for counselling expenses, 23 per cent was for report fees, while 77 per cent was for counselling sessions, which is consistent with the previous year (24 per cent and 76 per cent respectively).

²⁸ Where a finalised application has been reinstated after previously being struck out, the case processing time on that application will be measured from the date that the application for financial assistance was originally lodged to the date of the second order made finalising the application.

Financial assistance awarded for reports

In the year ending 30 June 2010:

- a total amount of \$1,606,781 was awarded for counselling, psychological and psychiatric reports, compared to \$1,378,110 in the previous year (an increase of 17 per cent).
- on 3,564 occasions, the Tribunal awarded financial assistance for the costs of a report, compared to 3,121 occasions in the previous year (an increase of 14 per cent).
- the average amount of financial assistance awarded for reports was \$451, compared to \$442 in the previous year (an increase of two per cent).

Financial assistance awarded for counselling sessions

In the year ending 30 June 2010:

- a total amount of \$5,387,250 in financial assistance was awarded for counselling sessions (interim awards, final determination, variation and on review), compared to \$4,423,649 in the previous year (an increase of 22 per cent). Of the total amount of financial assistance awarded for counselling sessions:
 - › \$1,265,655 was awarded for counselling sessions that had been provided to applicants at the time that the award was made, compared to \$1,129,662 in the previous year (an increase of 12 per cent); and
 - › \$4,121,595 was awarded for future counselling sessions, compared to \$3,293,987 in the previous year (an increase of 25 per cent).
- in 17 per cent of all applications for financial assistance lodged, an interim award of financial assistance was made for counselling sessions already provided to applicants (1,060 interim awards), which is consistent with the previous year (17 per cent / 952 interim awards).²⁹ In 23 per cent all applications for financial assistance lodged, an interim award of financial assistance was made for future counselling sessions (1,404 interim awards), compared to 25 per cent in the previous year (1,399 interim awards).

- on the determination of applications for financial assistance, 42 per cent of awarded applicants were awarded financial assistance for counselling sessions already provided (1,827 applicants), compared to 44 per cent in the previous year (1,551 applicants), while 32 per cent of awarded applicants were awarded financial assistance for future counselling sessions (1,367 applicants), compared to 31 per cent in the previous year (1,101 applicants).

Koori VOCAT List

In the year ending 30 June 2010:

- 148 applications for financial assistance were lodged within the Koori VOCAT List (the List), compared to 145 in the previous year, comprising 2.4 per cent of all applications for financial assistance lodged during the reporting period.
- 122 applications for financial assistance were finalised within the List, compared to 140 in the previous year.
- an award of financial assistance was made in 66 per cent of finalised applications (80 applications), compared to 75 per cent (106 applications) in the previous year.

Refer to the *Koori VOCAT List Pilot: Review and Recommendations Report*, available from the Tribunal's website at www.vocat.vic.gov.au, for more detailed statistical information regarding the Koori VOCAT List.

²⁹ This has been calculated by dividing the number of interim awards of financial assistance made that included financial assistance for counselling expenses by the number of applications for assistance lodged in the reporting period, and assumes that there was one interim award of assistance made per application for assistance lodged.

Our Statistical Report – Tables

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

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

TABLE 1: SUMMARY - APPLICATIONS FOR ASSISTANCE LODGED, FINALISED AND PENDING, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
CASELOAD			
Number applications lodged	4,820	5,702	6,193
Number orders made finalising claims	4,743	5,002	5,920
Number applications pending on 30 June	5,084	6,162	6,782
CASE PROCESSING TIMES			
Proportion of applications finalised within 9 months of lodgement	50.0%	50.8%	50.1%
Proportion of applications finalised within 12 months of lodgement	66.9%	67.0%	66.2%
AGE OF PENDING CASELOAD			
Proportion of applications pending for 9 months or more on 30 June	39.7%	40.1%	40.6%
Proportion of applications pending for 12 months or more on 30 June	27.8%	29.9%	30.2%

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, 2009/10³⁰

OFFENCE CATEGORY	NUMBER OF APPLICATIONS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide ³¹	310	353	663	10.0%	11.5%	10.7%
Rape	38	280	318	1.2%	9.1%	5.1%
Sex (non-Rape) ³²	164	587	751	5.3%	19.0%	12.1%
Robbery	143	103	246	4.6%	3.3%	4.0%
Assault ³³	2,088	1,292	3,380	67.1%	41.9%	54.6%
Abduction / Kidnap	9	26	35	0.3%	0.8%	0.6%
Criminal damage by fire	117	146	263	3.8%	4.7%	4.2%
Burglary	147	135	282	4.7%	4.4%	4.6%
Harassment	19	69	88	0.6%	2.2%	1.4%
Other	76	91	167	2.4%	3.0%	2.7%
TOTAL	3,111	3,082	6,193	100%	100%	100%

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

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

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

33 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, 2007/08 – 2009/10

ORDER	2007-08		2008-09		2009-10	
Application granted / award made	3,343	70.5%	3,547	70.9%	4,304	72.7%
Application refused	113	2.4%	125	2.5%	156	2.6%
Application struck out / withdrawn	1,283	27.1%	1,324	26.5%	1,454	24.6%
Other disposal	4	0.1%	6	0.1%	6	0.1%
TOTAL	4,743	100%	5,002	100%	5,920	100%

TABLE 4: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE MADE UPON FINAL DETERMINATION OF APPLICATIONS FOR ASSISTANCE, BY AWARD TYPE, 2007/08 – 2009/10

AWARD TYPE	2007-08		2008-09		2009-10	
Primary victim award	2,768	82.8%	2,999	84.6%	3,535	82.1%
Secondary victim award	248	7.4%	263	7.4%	338	7.9%
Related victim award	298	8.9%	270	7.6%	416	9.7%
Award for funeral expenses only	2	0.1%	–	–	1	–
Award made under <i>Criminal Injuries Compensation Act 1983</i>	6	0.1%	3	0.1%	3	–
Other	21	0.6%	12	0.3%	11	0.3%
TOTAL	3,343	100%	3,547	100%	4,304	100.0%

TABLE 5: NUMBER OF AWARDS OF FINANCIAL ASSISTANCE MADE, BY AGE AND GENDER OF AWARDED APPLICANTS, 2009/10

AGE AT AWARD	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
0 – 18 years	482	565	1,047	21.3%	27.6%	24.3%
19 – 25 years	485	252	737	21.5%	12.3%	17.1%
26 – 35 years	451	331	782	20.0%	16.2%	18.2%
36 – 60 years	700	679	1,379	31.0%	33.2%	32.0%
61 years +	86	85	171	3.8%	4.2%	4.0%
Unknown	55	133	188	2.4%	6.5%	4.4%
TOTAL	2,259	2,045	4,304	100%	100%	100%

TABLE 6: NUMBER OF AWARDS OF ASSISTANCE MADE BY CATEGORY OF OFFENCE AND GENDER OF AWARDED APPLICANT, 2009/10

OFFENCE CATEGORY	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	240	249	489	10.6%	12.2%	11.4%
Rape	23	189	212	1.0%	9.2%	4.9%
Sex (non-Rape)	131	473	604	5.8%	23.1%	14.0%
Robbery	147	85	232	6.5%	4.2%	5.4%
Assault	1,542	814	2,356	68.3%	39.8%	54.7%
Abduction / Kidnap	5	13	18	0.2%	0.6%	0.4%
Criminal damage by fire	12	12	24	0.5%	0.6%	0.6%
Burglary	129	128	257	5.7%	6.3%	6.0%
Harassment	5	45	50	0.2%	2.2%	1.2%
Other	25	37	62	1.1%	1.8%	1.4%
TOTAL	2,259	2,045	4,304	100%	100%	100%

TABLE 7: NUMBER OF APPLICATIONS FOR ASSISTANCE LODGED, FINAL ORDERS AND AWARDS MADE BY TRIBUNAL REGION, 2009/10

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	303	4.9%	347	5.9%	250	5.8%
Broadmeadows	Broadmeadows	422	6.8%	592	10.0%	419	9.7%
Dandenong	Dandenong	421	6.8%	443	7.5%	365	8.5%
Frankston	Dromana, Frankston	477	7.7%	363	6.1%	303	7.0%
Gippsland	Bairnsdale, Korumburra, Latrobe Valley, Moe, Omeo, Orbost, Sale, Wonthaggi	289	4.7%	286	4.8%	230	5.3%
Grampians	Ararat, Bacchus Marsh, Ballarat, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell	239	3.9%	203	3.4%	144	3.3%
Heidelberg	Heidelberg, Moonee Ponds, Preston	474	7.7%	359	6.1%	252	5.9%
Hume	Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Shepparton, Wangaratta, Wodonga	224	3.6%	224	3.8%	188	4.4%
Lodden Mallee	Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill	291	4.7%	306	5.2%	222	5.2%
Melbourne	Melbourne, Moorabbin	1,863	30.1%	1,474	24.9%	1,063	24.7%
Neighbourhood Justice Centre	Collingwood	36	0.6%	61	1.0%	42	1.0%
Ringwood	Ringwood	466	7.5%	524	8.9%	357	8.3%
Sunshine	Sunshine, Werribee	688	11.1%	738	12.5%	469	10.9%
TOTAL		6,193	100%	5,920	100%	4,304	100%

Financial assistance awarded and legal costs

TABLE 8: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED AND LEGAL COSTS ORDERED (INTERIM, FINAL DETERMINATION, BY VARIATION AND ON REVIEW), 2009/10

	2007-08		2008-09		2009-10	
Financial assistance	\$32,541,525	90.8%	\$35,143,481	90.7%	\$44,977,139	90.7%
Legal costs	\$3,283,395	9.2%	\$3,620,209	9.3%	\$4,605,837	9.3%
TOTAL	\$35,824,920	100%	\$38,763,690	100%	\$49,582,976	100%

TABLE 9: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED, 2007/08 – 2009/10

	2007-08		2008-09		2009-10	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$25,454,593	78.2%	\$26,999,543	76.8%	\$34,401,037	76.5%
Financial assistance for expenses not yet incurred	\$7,087,131	21.8%	\$8,143,938	23.2%	\$10,576,103	23.5%
TOTAL	\$32,541,725	100%	\$35,143,481	100%	\$44,977,139	100%

TABLE 10: TOTAL AMOUNT OF FINANCIAL ASSISTANCE AWARDED BY ASSISTANCE TYPE, AND LEGAL COSTS ORDERED, 2009/10

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Special financial assistance	\$11,800	\$10,683,929	\$114,600	\$39,680	\$10,850,009	24.1%
Pain and suffering	–	\$44,500	–	–	\$44,500	0.1%
Distress	\$215,000	\$8,007,966	–	–	\$8,222,966	18.3%
Funeral expenses	\$451,609	\$86,934	\$20,320	–	\$558,863	1.2%
Loss of earnings	\$70,877	\$3,608,816	\$189,015	\$17,973	\$3,886,680	8.6%
Dependency	–	–	–	–	–	–
Loss / damage to clothing	\$1,159	\$231,042	\$8,901	\$897	\$241,999	0.5%
Counselling / psychological / psychiatric reports	\$641,042	\$868,660	\$97,079	–	\$1,606,781	3.6%
Counselling sessions	\$1,958,010	\$2,793,306	\$635,934	–	\$5,387,250	12.0%
Medical expenses	\$429,633	\$3,019,863	\$874,990	\$3,219	\$4,327,705	9.6%
Other expenses to assist recovery	\$338,308	\$8,271,958	\$1,239,420	\$700	\$9,850,387	21.9%
Subtotal	\$4,117,438	\$37,616,974	\$3,180,259	\$62,469	\$44,977,139	100%
Legal Costs	–	\$4,489,057	\$79,619	\$37,161	\$4,605,837	
TOTAL	\$4,117,438	\$42,106,031	\$3,259,878	\$99,630	\$49,582,976	

TABLE 11: AMOUNT OF FINANCIAL ASSISTANCE AWARDED AS A LUMP SUM PAYMENT AND FOR EXPENSES ALREADY INCURRED, BY TYPE OF ASSISTANCE, 2009/10

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Special financial assistance	\$11,800	\$10,683,929	\$114,600	\$39,680	\$10,850,009	31.5%
Pain and suffering	–	\$44,500	–	–	\$44,500	0.1%
Distress	\$215,000	\$8,007,966	–	–	\$8,222,966	23.9%
Funeral expenses	\$413,687	\$85,434	\$20,320	–	\$519,441	1.5%
Loss of earnings	\$70,877	\$3,608,816	\$189,015	\$17,973	\$3,886,680	11.3%
Dependency	–	–	–	–	–	–
Loss / damage to clothing	\$809	\$221,285	\$8,376	\$897	\$231,366	0.7%
Counselling / psychological / psychiatric reports	\$641,042	\$868,660	\$97,079	–	\$1,606,781	4.7%
Counselling sessions	\$264,035	\$714,740	\$286,880	–	\$1,265,655	3.7%
Medical expenses	\$214,494	\$1,709,899	\$477,314	\$587	\$2,402,293	7.0%
Other expenses to assist recovery	\$163,991	\$4,519,069	\$687,584	\$700	\$5,371,344	15.6%
TOTAL	\$ 1,995,735	\$30,464,298	\$ 1,881,167	\$59,837	\$34,401,037	100%

TABLE 12: AMOUNT OF FINANCIAL ASSISTANCE AWARDED FOR EXPENSES NOT YET INCURRED, BY TYPE OF ASSISTANCE, 2009/10

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	
Counselling sessions	\$1,693,975	\$2,078,566	\$349,054	–	\$4,121,595	39.0%
Medical expenses	\$215,139	\$1,309,964	\$397,676	\$2,632	\$1,925,411	18.2%
Loss / damage to clothing	\$350	\$9,757	\$526	–	\$10,632	0.1%
Other expenses to assist recovery	\$174,317	\$3,752,889	\$551,836	–	\$4,479,043	42.4%
Funeral expenses	\$37,922	\$1,500	–	–	\$39,422	0.4%
TOTAL	\$2,121,703	\$7,152,676	\$1,299,092	\$2,632	\$10,576,103	100%

TABLE 13: NUMBER OF FINAL AWARDS OF FINANCIAL ASSISTANCE MADE, AND AVERAGE AMOUNT OF FINANCIAL ASSISTANCE AWARDED ON FINAL DETERMINATION, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of awards of financial assistance made	3,343	3,547	4,304
Amount of financial assistance awarded	\$26,785,653	\$28,234,473	\$37,616,974
Average amount of financial assistance awarded	\$8,012	\$7,960	\$8,740

TABLE 14: NUMBER OF PRIMARY VICTIMS AWARDED SPECIAL FINANCIAL ASSISTANCE AND AMOUNT AWARDED ON DETERMINATION OF APPLICATION, BY CATEGORY, 2007/08 – 2009/10

	NUMBER			DISTRIBUTION		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
NUMBER OF PRIMARY VICTIMS WHO WERE AWARDED SPECIAL FINANCIAL ASSISTANCE BY CATEGORY						
Category A	769	714	860	28.9%	24.6%	25.2%
Category B	548	671	756	20.6%	23.1%	22.2%
Category C	980	1,019	1,212	36.8%	35.1%	35.6%
Category D	365	496	581	13.7%	17.1%	17.0%
TOTAL	2,662	2,900	3,409	100%	100%	100%
AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$5,228,676	\$5,250,185	\$6,779,054	67.8%	62.4%	63.5%
Category B	\$1,288,275	\$1,695,800	\$2,053,025	16.7%	20.2%	19.2%
Category C	\$1,006,151	\$1,195,175	\$1,491,455	13.0%	14.2%	14.0%
Category D	\$193,150	\$273,260	\$360,395	2.5%	3.2%	3.4%
TOTAL	\$7,716,252	\$8,414,420	\$10,683,929	100%	100%	100%
AVERAGE AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$6,799	\$7,353	\$7,883			
Category B	\$2,351	\$2,527	\$2,716			
Category C	\$1,027	\$1,173	\$1,231			
Category D	\$529	\$551	\$620			
TOTAL	\$2,899	\$2,902	\$3,134			

TABLE 15: NUMBER OF RELATED VICTIMS AWARDED FINANCIAL ASSISTANCE FOR DISTRESS AND AMOUNT AWARDED ON FINAL DETERMINATION, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of related victims who were awarded financial assistance for distress	295	270	412
Amount of financial assistance awarded to related victims for distress on determination of application	\$5,613,320	\$4,667,090	\$8,007,966
Average amount of financial assistance awarded to related victims for distress	\$19,028	\$17,286	\$19,437

TABLE 16: AMOUNT OF LEGAL COSTS ORDERED TO BE PAID ON THE FINAL DETERMINATION OF APPLICATIONS FOR FINANCIAL ASSISTANCE, AND AVERAGE LEGAL COSTS ORDERED, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of awards of financial assistance made	3,343	3,547	4,304
Amount ordered to be paid for legal costs	\$3,212,447	\$3,554,526	\$4,489,057
Average amount of legal costs ordered to be paid per awarded applicant	\$961	\$1,002	\$1,043

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 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of interim awards of assistance made by tribunal members	1,364	1,368	1,002
Number of interim awards of assistance made by registrars	307	832	1,050
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES ALREADY INCURRED	1,671	2,200	2,052
Proportion of interim awards made by registrars	18.4%	37.8%	51.2%
Amount of interim financial assistance awarded for expenses already incurred	\$1,426,018	\$1,976,073	\$1,995,735
Average amount of interim financial assistance awarded for expenses already incurred	\$853	\$898	\$973

TABLE 18: NUMBER OF INTERIM AWARDS OF FINANCIAL ASSISTANCE MADE WHERE FINANCIAL ASSISTANCE WAS AWARDED FOR EXPENSES NOT YET INCURRED, AND AMOUNT AWARDED, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of interim awards of assistance made by tribunal members	1,121	977	646
Number of interim awards of assistance made by registrars	114	583	900
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES NOT YET INCURRED	1,235	1,560	1,546
Proportion of interim awards made by registrars	9.2%	37.4%	58.2%
Amount of interim financial assistance awarded for expenses not yet incurred	\$1,544,104	\$2,139,103	\$2,121,703
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,250	\$1,371	\$1,372

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, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of awards varied to award further financial assistance for expenses already incurred	1,307	1,134	1,174
Amount of financial assistance awarded on variation for expenses already incurred	\$1,686,003	\$1,819,134	\$1,881,167
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,290	\$1,604	\$1,602

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, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number of awards varied to award further financial assistance for expenses not yet incurred	412	401	459
Amount of financial assistance awarded on variation for expenses not yet incurred	\$1,050,429	\$965,198	\$1,299,092
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,550	\$2,407	\$2,830

Applications for review of decisions

TABLE 21: NUMBER OF APPLICATIONS FOR REVIEW FINALISED BY THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL, BY OUTCOME, 2007/08 – 2009/10

	2007-08		2008-09		2009-10	
Original order/award set aside and new award made on review	3	10.7%	2	14.3%	9	31.0%
Award varied on review	2	7.1%	–	–	1	3.4%
Order affirmed on review	7	25.0%	7	50.0%	7	24.1%
Application for assistance remitted to original decision-maker for determination	3	10.7%	–	–	2	6.9%
Application for review dismissed	3	10.7%	–	–	–	–
Application for review struck out / withdrawn / abandoned	10	35.7%	5	35.7%	10	34.5%
TOTAL	28	100%	14	100%	29	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, 2007/08 – 2009/10

	2007-08	2008-09	2009-10
Number awards of assistance made or varied on review	5	2	10
Amount of financial assistance awarded on review	\$49,318	\$11,500	\$62,469
Average amount of financial assistance awarded on review	\$9,864	\$5,750	\$6,247

Our Financial Report

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

Funding source

The costs and expenses of establishing, maintaining and administering the Tribunal, together with the amounts of financial assistance awarded by the Tribunal are paid out of the Consolidated Fund, which is appropriated to the necessary extent.³⁴

Financial assistance paid

In the year ending 30 June 2010, \$39,929,279 in financial assistance was paid by the Tribunal to victims of crime, service providers and legal practitioners, compared to \$31,050,578 in the previous year (increase of 29 per cent). This amount represents actual payments made in the reporting period, and does not include awards made in this or previous reporting periods that had not been paid as at 30 June 2010, or financial assistance awarded for expenses not yet incurred that may not be utilised by applicants.

Operating costs

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

In the year ending 30 June 2010, \$2,563,485 was appropriated for the Tribunal's operating costs, compared to \$2,073,601 in the previous year (an increase of 24 per cent).

Much of the Tribunal's operating costs, including the salaries of magistrates³⁵, infrastructure costs and corporate services (such as human resource and finance functions), are absorbed by the Magistrates' Court of Victoria.

The operating costs largely comprise salaries and employee-related costs for positions funded by the Tribunal (69 per cent of the operating budget, compared to 71 per cent in the previous year). The balance of the operating budget included expenditure associated with legal expenses incurred by the Tribunal, training and development (including the annual registry conference, a major training event for registrars), and a contribution to the costs of operating Magistrates' Court infrastructure (for example, rent and property services, utilities, repairs and maintenance, postage, communication, and stationery).

Average cost per finalised claim

In the year ending 30 June 2010, the average cost per finalised application for financial assistance was \$433, compared to \$415 in the previous year (an increase of four per cent).³⁶

³⁴ Section 69(1) of the *Victims of Crime Assistance Act 1996*

³⁵ 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.

³⁶ This has been calculated by dividing the Tribunal's operating costs for the year ending 30 June by the number of orders made finalising claims over the same period.

Financial Statement for year ending 30 June 2010³⁷

	NOTE	2007/08	2008/09	2009/10
SPECIAL APPROPRIATIONS				
	1			
Salaries, Overtime and Annual Leave		\$1,180,493	\$1,289,821	\$1,439,561
Superannuation		\$98,528	\$114,359	\$132,815
Payroll Taxation		\$61,832	\$69,221	\$79,464
Provision for Long Service Leave		\$34,880	\$-13,548	\$97,486
Work Cover Levy		\$7,381	\$10,107	\$9,857
TOTAL SALARIES AND ASSOCIATED EXPENDITURE		\$1,383,114	\$1,469,960	\$1,759,183
OPERATING EXPENDITURE				
Travel and Personal Expenses		\$4,868	\$11,413	\$12,698
Printing, Stationery and Subscriptions		\$77,092	\$91,236	\$80,716
Postage and Communication		\$53,143	\$45,787	\$51,064
Contractors and Professional Services	2	\$162,483	\$139,406	\$431,346
Training and Development		\$32,406	\$39,414	\$18,684
Motor Vehicle Expenses		\$39,093	\$4,920	\$2,550
Operating Expenses		\$23,206	\$31,069	\$5,049
Witness Payments		\$714	\$995	\$330
Information Technology Costs		\$42,985	\$60,408	\$13,232
Rent and Property Services		\$125,571	\$108,458	\$126,138
Property Utilities		\$43,965	\$40,219	\$44,283
Repairs and Maintenance		\$33,262	\$30,316	\$18,212
TOTAL OPERATING EXPENDITURE		\$638,788	\$603,641	\$804,302
TOTAL SALARIES AND OPERATING EXPENDITURE		\$2,021,902	\$2,073,601	\$2,563,485
SPECIAL APPROPRIATIONS				
Award payments	3	\$29,794,883	\$31,050,578	\$39,929,279
TOTAL AWARDS		\$29,794,883	\$31,050,578	\$39,929,279

³⁷ This financial statement is based upon financial data available as at 22 July 2010.

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 2010.

Note 2

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

Note 3

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

Our Directory of Tribunal Members in the year under review

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Ms Felicity Anne Broughton

Mr Peter Henry Lauritsen

Mr Lance Ivan Martin

Mr Daniel John Muling

Ms Jelena Popovic

Magistrates

Mr Henry Clive Alsop

Ms Susan Jane Armour
(appointed 13/10/2009)

Ms Donna Bakos

Mr Raffaele Barberio
(resigned 6/4/2010)

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt

Ms Luisa Rita Bazzani

Mr Isaac Joseph Beder
(retired 1/12/2009)

Mr John Stephen Bentley

Mr Ross Frederick Betts

Ms Susan Adele Blashki

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Mr Gerard Robert Bryant

Ms Suzanne Lara Cameron

(appointed 1/12/2009)

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke Cashmore

Ms Amanda Jane Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sharon Elizabeth Cure

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr Peter Gordon Dotchin
(appointed 23/6/2010)

Mr John Philip Dugdale
(retired 19/2/2010)

Ms Caitlin Creed English

Mr David Kevin Fanning

Mr Bernard Robert FitzGerald

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Roger Wilson Franich

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Ms Jane Catherine Gibson

Mr Phillip Goldberg

Ms Jennifer Anne Benn Goldsbrough

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

Mr Maurice Gurvich

Ms Margaret Gill Harding

Mr John William Hardy

Mr Thomas Kevin Hassard
(retired 27/11/2009)

Ms Annabel Mary Hawkins

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Ms Jacinta Mary Heffey
(retired 7/5/2010)

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Ms Michelle Therese Hodgson

Mr Franz Johann Holzer
(appointed 8/7/2009)

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones

Mr Graeme Douglas Keil

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio LaRosa

Mr John Leon Lesser
(appointed 15/12/2009)

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Kay Helen Macpherson

Mr Reg Marron

(resigned 31/7/2009)

Mr Rowan George McIndoe

(retired 17/7/2009)

Mr Gregory Laurence McNamara

Mr Peter Harry Mealy

Mr Peter Mellas

Ms Johanna Margaret Metcalf

(appointed 1/12/2009)

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan

(appointed 9/2/2010)

Mr William John George O'Day

Ms Julie Ann O'Donnell

(appointed 13/10/2009)

Ms Denise Mary O'Reilly

Ms Kim Michelle Willmott Parkinson

Mr Anthony William Parsons

Mr Richard John Pithouse

Ms Roslyn Jane Porter

(appointed 23/6/2010)

Mr Peter Thomas Power

Mr Peter Anthony Reardon

Mr Duncan Keith Reynolds

Ms Mary Kay Robertson

Mr Charles Schol Rozencwajg

Mr Ronald Norman Saines

Mr Marc Anthony Sargent

Mr Michael Leslie Smith

Mr Paul Anthony Smith

Ms Sharon Elizabeth Smith

Ms Paresa Antoniadis Spanos

Ms Pauline Therese Spencer

Ms Heather Margaret Spooner

Ms Fiona Margaret Stewart

Mr Michael Henry Lewis Stone

(retired 11/8/2009)

Ms Noreen Mary Toohey

Ms Jennifer Beatrix Tregent

Mr Jack Vandersteen

(appointed 13/10/2009)

Mr Ian Maxwell Von Einem

Ms Susan Melissa Wakeling

Ms Belinda Jane Wallington

Mr Ian Treloar West

Mr William Peter White

(retired 22/1/2010)

Mr Michael Gerard Wighton

(appointed 23/6/2010)

Mr Brian Robert Wright

Mr Richard Thomas Wright

Acting Magistrates

Mr Brian Stirtevant Barrow

Mr John Douglas Bolster

Mr Brian Joseph Clifford

Ms Michelle Pauline Elizabeth Ehrlich

Mr Timothy John McDonald

Mr Ian Thomas McGrane

(appointed 22/9/2009)

Mr James Stanislaus Mornane

(retired 27/11/2009)

Mr Steven Raleigh

(appointed 22/9/2009)

Ms Stella Maria Dolores Stuthbridge

Mr Terry John Wilson

Mr Lionel Cedric Winton-Smith

Mr Francis Patrick Zemljak

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Stawell 3380
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WONTHAGGI

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