



VICTIMS OF
CRIME ASSISTANCE
TRIBUNAL

Annual Report 2016–2017





Year at a Glance



7,312 APPLICATIONS FILED, UP BY 17.5%.



7,209 ORDERS FINALISING APPLICATIONS, UP BY 22%.



4,739 AWARDS OF ASSISTANCE MADE, UP BY 13.9%.



\$53.9 million awarded, up by 16.5%.



Judicial Registrars made 21.4% of final awards.



Koori List Applications up by 29%.



Average award amount \$7,983, up by 2.6%.



Interim awards for assistance up by 6.4%.



7,207 pending applications, up by 6.7%.



1271 online applications filed, up by 60%.



35,269 unique visits to our website, up by 9.3%.



Tribunal's operating cost up by 4%.

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Letter to Minister

01/09/2017

The Honourable Martin Pakula MP
Attorney-General
121 Exhibition Street
Melbourne Vic 3000

Dear Attorney-General,

In accordance with the requirements of section 68 of the *Victims of Crime Assistance Act 1996*, I am pleased to present the annual report of the Victims of Crime Assistance Tribunal for the year ending 30 June 2017.

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

Yours sincerely,

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

Peter Lauritsen
Chief Magistrate



Chief Magistrate's Message

CHIEF MAGISTRATE PETER LAURITSEN

The Victims of Crime Assistance Tribunal (VOCAT) commenced operation 20 years ago in July 1997. In those 20 years the Tribunal has established itself as an intrinsic component of the Victorian criminal justice system.

All Magistrates hold dual appointments as Tribunal Members and as Magistrates. Hearing and determining victims of crime applications in the Tribunal gives Magistrates valuable insight into the negative impact that crime has on victims, their families and friends, and society more generally. That experience and perspective in turn informs Magistrates' broader work across all the jurisdictions of the court in delivering just outcomes.

VOCAT is not the only source of assistance available for victims of crime, however it can often be the most effective pathway for relief. For example, while a victim may apply to the sentencing court for an order requiring the perpetrator to pay compensation this is of little value if the offender has no assets as is frequently the case. Moreover, an award of compensation from the sentencing court is not an option that can be pursued if the perpetrator of a crime has not been identified or a person has been charged but ultimately found not guilty. In such cases, VOCAT may still offer victims an avenue of financial assistance and redress, underscoring its importance as a vital part of an effective criminal justice system.

Perhaps most importantly, the Tribunal provides an empathetic forum for victims to tell their story and have their experiences of loss and suffering acknowledged by a judicial officer. The Tribunal is not required to conduct itself in a formal manner nor is it bound by strict rules of evidence and procedure. It can inform itself in any manner that it thinks fit. It is not uncommon for a Tribunal Member to sit at the bar table with a victim and engage in a frank discussion about the impact the crime has had and to investigate openly options which the Tribunal could fund to assist the person to recover from the act of violence. This ensures that awards are relevant and effective.

The 2016/17 financial year has been an extraordinary one for VOCAT. This year, the Tribunal has seen an increase of 17.5% in the number of applications for assistance lodged. There were 7312 applications lodged in 2016/17 up from 6221 in the previous year. Over a thousand more people than last year have sought the assistance of the Tribunal which suggests that awareness of the scheme is increasing as more applicants come forward.

There is no single reason that accounts for the increase; rather there have been a number of contributing factors. The Tribunal simplified its online application form in May 2016 which saw an immediate increase in applications filed electronically. Subsequently, the number of applications filed electronically this year is over twice that of the previous year. The Supervising Magistrates have taken a personal role in providing structured information and training to police recruits about the important role Victoria Police play in assisting victims to access assistance from the Tribunal. Such training enhanced awareness of the Tribunal at the crisis point immediately following an act of violence when police are in attendance and victims often require immediate support.

While increased awareness and interaction with the Tribunal endorses the intrinsic role it plays in a victim's recovery from crime, the inevitable challenge created by such a significant rise in new applications has been to find and allocate appropriate resources to meet the increase in demand. Through the hard work and dedication of Tribunal Members and Registrars across the state victims continued to receive appropriate assistance despite the unprecedented demand. This is reflected in the Tribunal's finalisation rate which saw an increase of 22% in the number of matters finalised this financial year. Ultimately the Tribunal resolved 7,209 applications in 2016/17 up from 5,910 in the previous year.

The improvement in the output of the Tribunal was achieved without any additional resources. All staff of the Tribunal should be commended for their dedication to the facilitation of the scheme.

During the reporting period, the Tribunal awarded over \$48 million in financial assistance to victims of crime, and an additional \$5.8 million in legal costs to lawyers assisting applicants. The Tribunal made 4,739 awards of financial assistance over the reporting period, with the average amount of financial assistance awarded on final determination increasing slightly to \$7,983.

Despite all the hard work of staff and improvements made, the Tribunal still registered more new applications than it was able to finalise during the reporting period. Accordingly, the number of active cases as at the end of the 2016/17 financial year was 7.2% higher (7,207) than at the same point in the previous year (6,757). Conscious of the need to ensure timely and appropriate awards of assistance, the Tribunal is considering a range of strategies that will enable more efficient management of applications to better cater for demand. This will be an ongoing challenge throughout the next financial year.

On 22 December 2016 the Attorney General, the Honourable Martin Pakula MP, asked the Victorian Law Reform Commission to review and report on the provision of state-funded financial assistance to victims of family violence under the Victims of Crime Assistance Act 1996. This review responds to a recommendation of the Royal Commission into Family Violence, specifically recommendation 106. A consultation paper was circulated by the Commission in June 2017 and the Tribunal is currently in the process of preparing a formal submission.

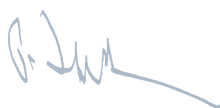
In July 2017 the Attorney General released expanded terms of reference asking the Commission to broaden the scope of the review to include how VOCAT operates in respect of all victims of crime. The Tribunal welcomes this review and will assist in exploring ways of improving the scheme's effectiveness.

This year saw the commencement of a regular VOCAT User's Group. This enabled the Supervising Magistrates, Principal Registrar and other Registry staff to meet with representatives of the legal profession who regularly assist VOCAT applicants. The Group is a forum where systemic issues can be raised and solutions discussed. This has significantly improved communication between the Tribunal and key stakeholders about issues relevant to the administration of VOCAT claims. The VOCAT User's Group will continue to meet and will enable streamlined and consistent approaches to be developed to issues faced by the profession and the Tribunal.

Judicial Registrars once again made a significant contribution throughout the year to assisting victims of crime, finalising 1,539 applications for assistance in 2016/17, up from 1,294 in 2015/16. This constitutes approximately 21.4% of the total number of applications finalised throughout the year.

It is important to acknowledge the work of the VOCAT Coordinating Committee for its guidance, support and ongoing oversight of the scheme throughout this year. There are numerous challenges in providing assistance to victims in a consistent, tailored and timely manner. The Committee has provided leadership within the Tribunal as well as working hard to provide submissions to external reviews and media requests. I also wish to extend sincere thanks to the Tribunal's two Supervising Magistrates, Andrew Capell and Jo Metcalf, for their dedication and leadership across the year.

Last, but by no means least, I wish to acknowledge the achievements of the Registrars and Tribunal staff throughout 2016/17. Registrars deal day by day with numerous files that each tell a unique and detailed story of disturbing crime. This material, in conjunction with an ever increasing workload, means that at times VOCAT can be a stressful and challenging place to work. Yet to a person, the Registry staff have been diligent, innovative and sensitive and carry out their responsibilities to an extremely high standard. Without their efforts, Tribunal Members would not be able to fulfil their own functions as effectively.



Peter Lauritsen
Chief Magistrate





About VOCAT

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

Who we are

VOCAT is now in its 20th year of operation and was established by the *Victims of Crime Assistance Act 1996* (the Act). We are located within the Magistrates' Court of Victoria and operate at all 51 Court venues across the state. Each of the Court's 124 Magistrates including the Chief Magistrate, are also Tribunal members. The Court's 10 judicial registrars also have Tribunal powers delegated to them by the Chief Magistrate to determine certain types of applications.

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

The Chief Magistrate is responsible for the arrangement of VOCAT's business, and appoints Supervising Magistrates to support VOCAT's effective operation. Since January 2014, Andrew Capell and Johanna Metcalf have jointly supervised the Tribunal.

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

VOCAT has a Coordinating Committee that supports the Supervising Magistrates to carry out these duties. The committee is constituted by the two Supervising Magistrates, nine other Magistrates, two Judicial Registrars, the Principal Registrar of VOCAT, the Standards and Compliance Officer and the Registry Manager, Melbourne.

The Chief Magistrate has delegated certain powers under the Act to judicial registrars, VOCAT's Principal Registrar and other registrars of VPS grade 3 and above.

What we do

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

VOCAT determines who is eligible to receive financial assistance in accordance with the Act.

We can make awards to cover:

- ▶ funeral expenses
- ▶ the reasonable costs of counselling
- ▶ medical and safety-related expenses
- ▶ loss of or damage to clothing worn at the time of the crime
- ▶ loss of earnings; and
- ▶ other expenses that will assist a victim (in exceptional circumstances).

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

In the last 20 years, VOCAT has received 93,944 applications for financial assistance, and awarded \$747 million to victims of crime. This has included 72,947 awards of financial assistance, and tens of thousands of awards of interim financial assistance.

Applications to VOCAT have increased almost every year and this year has seen one of the biggest growths in the Tribunal's history. There were 7,312 applications received in the current reporting period. This represents a 17.5% increase from the preceding year. There were just over 1,000 applications in 1997–98.



Supervising Magistrates Andrew Capell and Johanna Metcalf

Bourke Street 20 January 2017

Few of us will forget where we were when we heard the news of the tragedy which was unfolding in Bourke Street at lunchtime on 20 January 2017. It was a Friday in summer in central Melbourne. People were enjoying their lunch breaks, shopping or just getting some fresh air. Families with children were enjoying the last days of the school holidays. Tourists were appreciating the life and beauty of Melbourne's central hub. Others were peering out of windows of their workplaces wishing they too could be enjoying the sunshine. The impact of what happened in Bourke St that afternoon has, and will continue to have, a profound impact on not only those victims we have referred to but also their families.

The Victims of Crime Assistance Act 1996 (the VOCA Act) enables victims to make application for Government funded assistance whether they be primary, secondary or related victims. The Tribunal has received applications from victims of Bourke Street who fall into each of those categories. The Tribunal determined immediately to manage all applications within the Melbourne VOCAT registry to promote consistency and to ensure that victims were directed to appropriate agencies for immediate assistance.

Within days the Department of Justice and Regulation (DJR) organised a Committee bringing together all agencies it believed could render assistance to the victims including the Transport Accident Commission, Worksafe, VOCAT, Victoria Police, Victims Support Agency, Victim's Assistance Programmes state-wide, Department of Education and Training and Department of Health and Human Services. The cooperation between all of these agencies has hopefully ensured that all victims have been able to access timely assistance. The Bourke Street Committee continues to meet on a regular basis.

Review of the Victims of Crime Assistance Act 1996

In the 2014/2015 Annual Report we wrote of the challenges for victims of family violence in applying for financial assistance from VOCAT and summarised some of the issues the Tribunal raised in a joint submission with the Magistrates' and Children's Court of Victoria to the Royal Commission into Family Violence (RCFV).

In the 2015/2016 Annual Report we commented on the area of sexual offending, noting that many new offences have been created since the VOCA Act was drafted, some of which would not satisfy the eligibility criteria of the VOCA Act, despite the harm caused to victims by that offending. We also noted the RCFV's discussion about the limitations in a victim of family violence's eligibility for relief from VOCAT and the difficulties some victims experience when attempting to navigate the separate streams of assistance offered by VOCAT and by the Victims Assistance Program (run by the Victims Support Agency). Recommendation 106 of the RCFV's Report recommended that the matters raised in its Report relating to VOCAT and the Victims Support Agency be referred to the Victorian Law Reform Commission (VLRC) enquiry into the Role of Victims in the Criminal Trial Process, or alternatively that a separate review be carried out.

On 22 December 2016 the Attorney-General gave the VLRC a reference to review and report on Family Violence and the Victims of Crime Assistance Act 1996. Those terms of reference ask the VLRC to consider:

1. *The eligibility test and whether this should be expanded to include victims of family violence where a pattern of non-criminal behaviour results in physical or psychological injury*
2. *Within the total financial assistance currently available, have regard to the categories and quantum of awards with regard to the cumulative impact of family violence behaviour on victims*
3. *The requirement to notify a perpetrator, especially where the matter has not been reported to police, or no charges have been laid, or the prosecution is discontinued or the person is acquitted*
4. *The matters giving rise to refusal of an application except in special circumstances*
5. *Procedural matters to expedite the making of an award.*

On 7 July 2017 the VLRC's Terms of reference were broadened requesting it to consider the effectiveness of the VOCA Act for all victims. The VLRC is now asked to report on all matters before it by 27 July 2018.

We welcome the expanded enquiry. The initial terms of reference picked up issues we raised for the RCFV's consideration in the context of family violence. The expanded terms of reference will ensure a full review of the VOCA Act for the first time in over 20 years. It will enable structural issues with the legislation that can impede the Tribunal's efficiency and cause delays to be considered and addressed, and also allows an opportunity to review whether the Act should recognise and provide assistance for crimes not currently covered by the scheme. The Tribunal has also been concerned for some time that the VOCA Act does not sufficiently account for the dynamics and characteristics of family violence, given the Act's primary conception of a crime as a single violent act.

The RCFV recommended the establishment of Specialist Family Violence Courts (SFVC) at “all Magistrates’ Courts of Victoria headquarter Courts and specialist family violence Courts”, to enable those Courts to hear all related proceedings together, such as intervention orders, criminal matters and VOCAT applications. The recent State Budget allocated funding to support five such Courts. Part of the SFVC model involves additional VOCAT support for victims of family violence from a dedicated family violence VOCAT registrar who will work with other support services in the court to provide better and timelier outcomes for victims.

We are conscious of the comments made by the Community Safety Trustee, Mr Ron Iddles OAM, APM about the undesirability of delay in finalising VOCAT applications, and that “if the approach is “victims first”, then the current process warrants review in the interests of quick resolution for victims”. Given the 17.5% increase in applications in the last financial year, and the complexity of the Tribunal’s governing legislation, the current VLRC review is timely. We appreciate that the purpose of the VOCA Act is “to provide assistance to victims of crime” so that they can recover from the effects of the crime and have their suffering recognised and acknowledged.

All of us at the Tribunal understand the importance of our work in making a difference in the lives of victims of violent crime, and the need for that assistance to be provided as quickly as possible, applying the requirements of the legislation. Interim awards play an important role in delivering urgent assistance to victims, pending a final decision in an application. This last year saw 3,963 interim awards of assistance made as well as a 22% increase in the finalisation rate, against a background of a 17.5% increase in the number of new applications. We are confident that the VLRC enquiry process will identify improvements that can be made to the system to ensure that victims of violent crime receive appropriate access to services and financial support to assist them to recover.

Jo Metcalf and Andrew Capell
Joint Supervising Magistrates, VOCAT

CASE STUDY

NEVILLE

Neville had just turned 30, and he and his friends planned to celebrate the occasion in the city. Over the course of the evening he and his friends consumed several alcoholic drinks. Whilst at the bar Neville and his friends struck up a conversation with an anonymous female and her friends.

At around 1 a.m. Neville and his friends decided to head home. While waiting for a taxi they encountered two men they had met earlier. One of the men accused Neville's friend of being too friendly with his girlfriend and an argument ensued. Neville tried to diffuse the situation by standing between the men and his friends, which resulted in Neville being punched in the face, knocking him to the ground.

Neville reported the incident to police for investigation. A number of enquiries were made to identify the perpetrator, including contacting the nightclub for CCTV footage and statements from friends. The alleged offender remains unknown to police.

Due to the impact of the punch and the contact with the ground, Neville acquired a number of injuries, most significantly, to his mouth. Following the incident Neville sought medical attention. The damage to his teeth was so severe that he was referred to a specialist. The initial assessment was to repair the immediate damage knowing that further dental work may be required in the future.

An application associated with the incident was lodged with the Tribunal, in which, Neville had requested a hearing. Neville later withdrew the request for a hearing. The Tribunal communicated they were satisfied that he was a victim of an act of violence, which caused physical injury.

The Tribunal awarded the maximum amount of Special Financial Assistance under category C being \$1,300. Neville's medical expenses incurred as a direct result of the incident were reimbursed totalling \$9,504.51. In summary, an Ambulance on the night of incident (\$481), a medical consultation for a referral (\$50), as well as oral surgeon (\$2914.21); periodontist (\$5009.30); and endodontist (\$1050) consultations and subsequent operations.

If Neville requires additional assistance he is able to apply for further financial assistance 6 years from the date the final award was made.





Supporting Victims of Crime

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

Accessing VOCAT

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

CASE STUDY

BEN

On 2 June 2014 Ben was working in a convenience store when a man entered the premises. The offender approached the counter brandishing a large carving knife and a plastic bag. He pointed the knife at Ben's abdomen and demanded that all money on site be put into the plastic bag. As the only attendant on duty at the time, Ben complied with the demands and the offender left the scene with the money. Ben then notified the police and his employer of the armed robbery.

Although Ben was not physically harmed during the incident he did report suffering trauma as a result of the incident. Ben requested counselling in relation to the psychological effects sustained as a direct result of the act of violence. Ben's treating psychologist made an assessment of his behaviour and the effect the armed robbery had on him, and concluded that he was suffering symptoms of acute posttraumatic stress disorder. After the incident Ben had reported feeling anxious, experiencing disturbed sleep, excessive worry and an inability to work late; all of which would impact his future employment opportunities. He had not experienced or reported any psychological or psychiatric issues prior to this event.

Due to the ordeal Ben was not able to return to work and needed to find a new job, resulting in a loss of wages. The Tribunal awarded Ben the maximum available award for loss of earnings of \$20,000 plus Special Financial Assistance of \$3250, and reimbursed him for counselling, totalling \$610.

In the future if Ben requests additional counselling to assist in his recovery he is able to apply for financial assistance 6 years from the date the final award was made.

Who can apply?

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

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

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

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

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

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

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

The application process

There is no fee to make an application to VOCAT. All applicants must file an Application for Assistance form, this can be done online at the Tribunal's website www.vocat.vic.gov.au or at any Magistrates' Court venue in Victoria.

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

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

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

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

The screenshot shows the 'Application for Assistance' form on the Victims of Crime Assistance Tribunal website. The form is divided into several sections:

- Before You Apply**: A sidebar menu with options: Applicant Details, Official Details, Your Application, Decisions Details, Authorisation, Supporting Material, Legal Representation, Acknowledgement, Review Application, and Continue.
- Application for Assistance**: The main title of the form.
- Applicant Details**: A section with a dropdown menu for 'State'.
- Details of Person Wanting Assistance**: A section with multiple input fields:
 - * Surname
 - * Given Names
 - Former Names
 - * State
 - Telephone (please provide at least one phone number):
 - Phone (After Hours / Home)
 - Phone (Business Hours)
 - Mobile
 - * Occupation

What happens after an application is lodged?

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

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

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

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

How long before a result?

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

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

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

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

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

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

The hearing process

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

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

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

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

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

How we make decisions

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

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

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

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

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

In deciding whether to make an award, or what amount should be awarded, we must also take into account:

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

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

VOCAT can require applicants to refund some or all of the financial assistance awarded to them if they later receive damages, compensation, assistance or payments of any kind for injuries suffered as a result of a violent crime.

What we can award

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

Types of assistance

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

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

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

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

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

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

Amount of financial assistance available

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

We can award:

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

SPECIAL FINANCIAL ASSISTANCE

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

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

Awards held in trust

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

Right of Review

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

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

Review of Decisions of Judicial Registrars

An applicant who is not satisfied with VOCAT's decision, where a Judicial Registrar was presiding, may apply to review the final decision of a judicial registrar. The review is considered by a Tribunal member de novo, with the Tribunal able to determine the application on the material submitted or by conducting a hearing.

On review, the Tribunal member may:

- ▶ affirm the final decision of the judicial registrar; or
- ▶ set aside the final decision and make another in substitution.



**JUDICIAL REGISTRARS
MADE 21.4% OF
FINAL AWARDS.**

Focus on Judicial Registrars

By Judicial Registrar, Ruth Andrew

In the 2016/2017 year, Judicial Registrars heard and determined 1,539 VOCAT applications, an increase of 18.8% from last year (1,295). This figure constitutes 21.4% of all VOCAT final awards.

Judicial Registrars have been delegated powers by the Chief Magistrate to hear and determine certain types of applications under the *Victims of Crime Assistance Act*.

During this reporting year there have been no changes to the types of matters that Judicial Registrars can hear and determine. Judicial Registrars can hear and determine applications under the Act by primary and secondary victims except:

- i. where there are allegations of sexual assault or family violence, or
- ii. where the act of violence was not reported to police.

Judicial Registrars cannot determine related victim applications.

Judicial Registrars can also hear applications for an extension of time to lodge an application, interim orders, access to documents and variation of awards, as well as give directions.

Judicial Registrars commenced work in the Victims of Crime Assistance Tribunal on 1 February 2012 on a pilot programme basis at Heidelberg, Ringwood and Melbourne Tribunal venues. Due to the success of the pilot programme the jurisdiction of Judicial Registrars to hear and determine applications under the Act was extended to all metropolitan, regional and rural courts in February 2013.

At the time of commencement of the pilot programme there were six Judicial Registrars. There are now ten Judicial Registrars appointed to the Magistrates Court.

Judicial Registrars undertake work in the Tribunal at all metropolitan Tribunal venues and in the country in the Barwon South West, Gippsland and Grampians regions.



VOCAT Registrar

Sara Mitchell

Sara has a Bachelor of Applied Science and has recently commenced a law degree through Deakin University. Sara is currently working at Sunshine Magistrates' Court and has been with the Court in multiple locations for 9 years.

I experienced VOCAT for the first time as a trainee at the Sunshine Magistrates' Court in 2009. However, it was when I became a qualified Registrar and was assigned to the role of Registrar in charge of VOCAT in 2011 that my interest and passion for the jurisdiction really developed.

VOCAT is complex, sometimes challenging and involves unique issues, however, working with victims and contributing towards making even a small difference to their recovery is extremely rewarding. I have been employed at the Courts for almost 9 years and have spent much of that time working in VOCAT, predominantly at Sunshine and Werribee Courts. Having extensive knowledge of an area like VOCAT assists with building rapport with colleagues and Tribunal Members, as you are frequently called upon for expert advice and opinion.

Last year, I jumped at an opportunity to work in a short secondment doing a project role at the Melbourne Tribunal. I was privileged to work directly with the Principal Registrar and the Standards and Compliance Officer. The role was largely strategic, rather than operational, and I was extremely fortunate to be involved with such projects as the launch of the new VOCAT website and the finalisation of the transfer of historical trust files to the Senior Masters Office.

As part of the role at Melbourne, I attended the Coordinating Committee meetings and it gave me a broader understanding of the issues faced by the jurisdiction, and an appreciation of the continued work done by the Committee to develop and improve on processes integral to VOCAT's operation.

VOCAT work is completely different to any other jurisdiction. Registrars closely manage applications and ensure all relevant material is filed prior to the application being determined by a Tribunal Member.

Registrars often compile comprehensive advice in relation to various issues, and this, together with Registrars being the main point of contact for victims, legal practitioners and other stakeholders, allows for continuous improvement in written and verbal communication skills. This also makes the role of a VOCAT Registrar rewarding in a professional capacity.

Some of the material filed with the Tribunal can be quite distressing. This is probably the most challenging part of being a VOCAT Registrar. The psychological and psychiatric reports give an intimate insight into the cumulative effects the various experiences of the actual crime, police investigations and any court proceedings have on the victim. But the emotional challenges for Registrars are far outweighed by the sense of satisfaction of knowing that you are contributing to the victim's recovery.



**KOORI LIST
APPLICATIONS
UP BY 29%.**

Koori VOCAT List

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

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

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

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

The Koori Lists' successes can be measured both by reference to the data, and also by observing and reporting on individual's experiences of the List. Part of the purpose of the List is to get in early with interim assistance; provide simplified processes; targeted cultural hearings; and meaningful awards and acknowledgements.

The Tribunal received a letter from one victim of crime about her experience being heard in the Koori VOCAT list:

"When I came to court I was feeling very sick and scared. You changed all that when you asked could you sit with us. When you started speaking & you told me that the room had been smoked, I was lost and confused as to why you would do that for me. Nobody really cares about my culture or my feelings. Once they know I'm Aboriginal, they treat me like I don't even exist. But you did, and that made me feel happy but sad because for once in my life someone saw me for who I was and respected me. My fear went away and I felt like I was sitting with a friend, not a Judge. After 52 years of abuse you showed me that just the right person can change another person's life. I didn't need to see a psychologist, I just needed someone to believe me. I needed someone that wasn't going to tell me to go away, that I need to get myself some help. I would just like to express my sincere gratitude and my appreciation to you for believing in me. And also for healing me."

307 applications were filed in the Koori VOCAT List between 1 July 2016 and 30 June 2017. This number equates to roughly 4.3% of the total applications filed state-wide over this period. This is easily the most applications ever filed in the Koori List in a single year and is over double the average between 2009 and 2014 which was steady at 150.





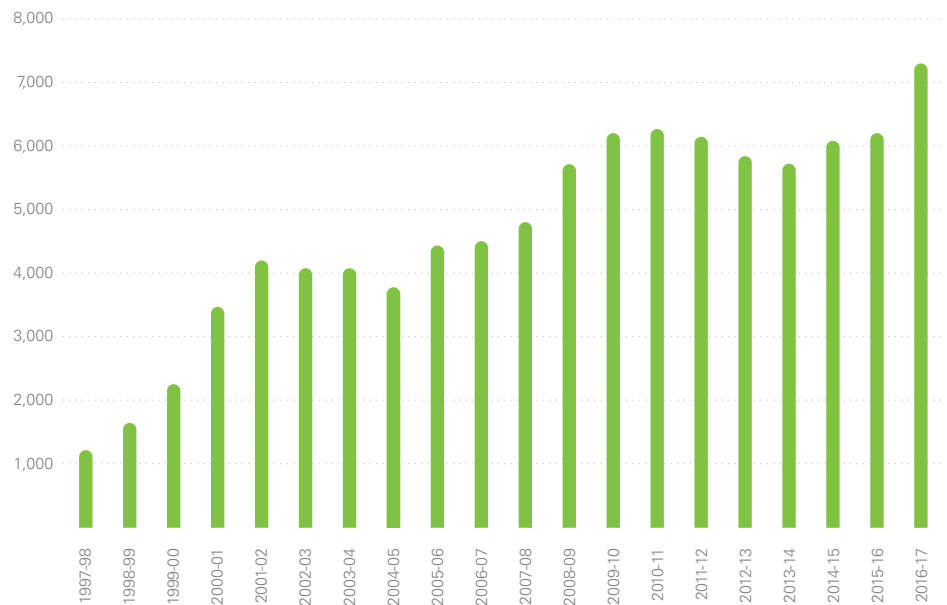
7,312 APPLICATIONS FILED, UP BY 17.5%.



4,739 AWARDS OF ASSISTANCE MADE, UP BY 13.9%.

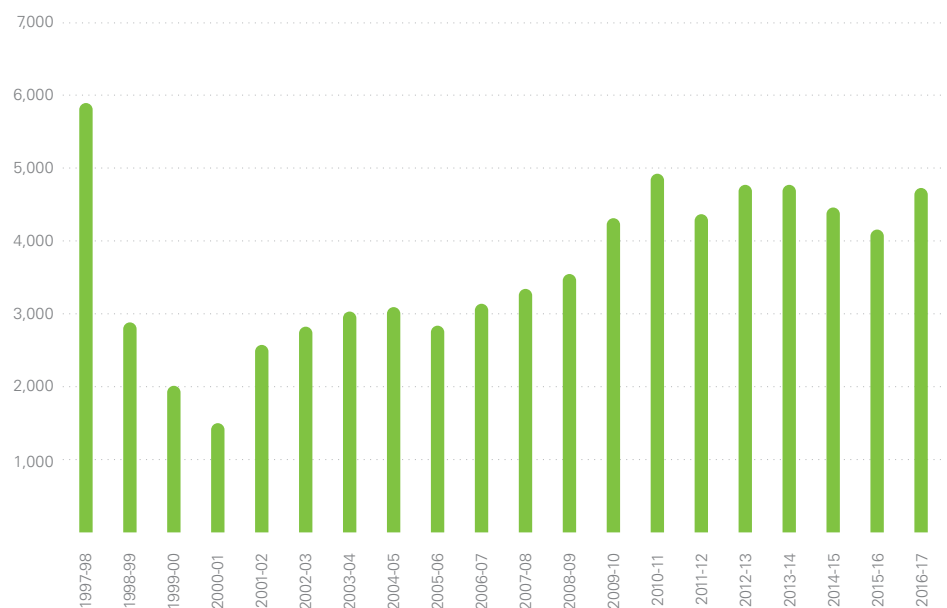
Demand and financial assistance awarded

CHART 1: Number of applications for financial assistance lodged annually 1997/98 – 2016/17

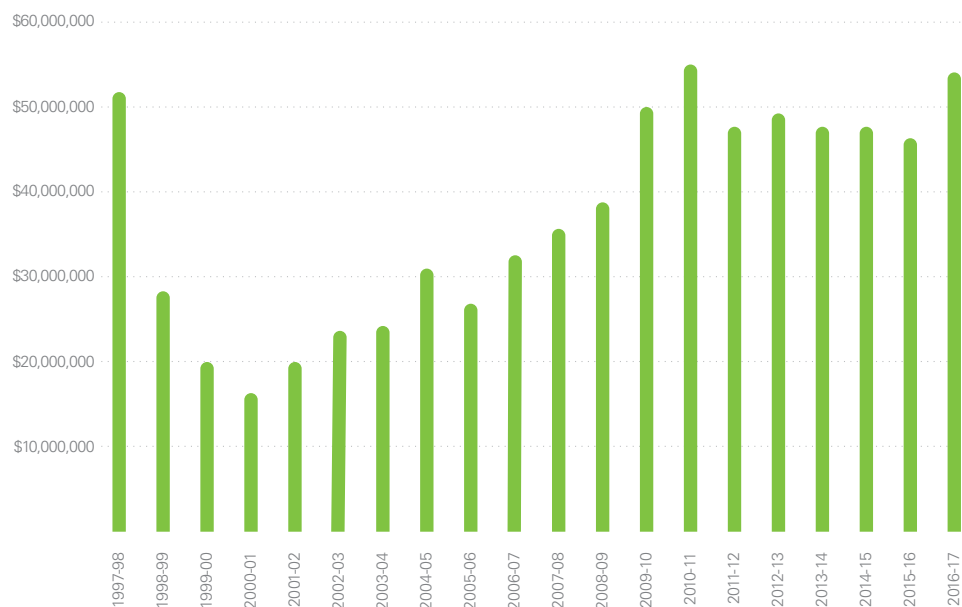


Demand for financial assistance from victims of crime has increased almost every year since the Tribunal commenced on 1 July 1997, with the trend continuing upward this financial year.

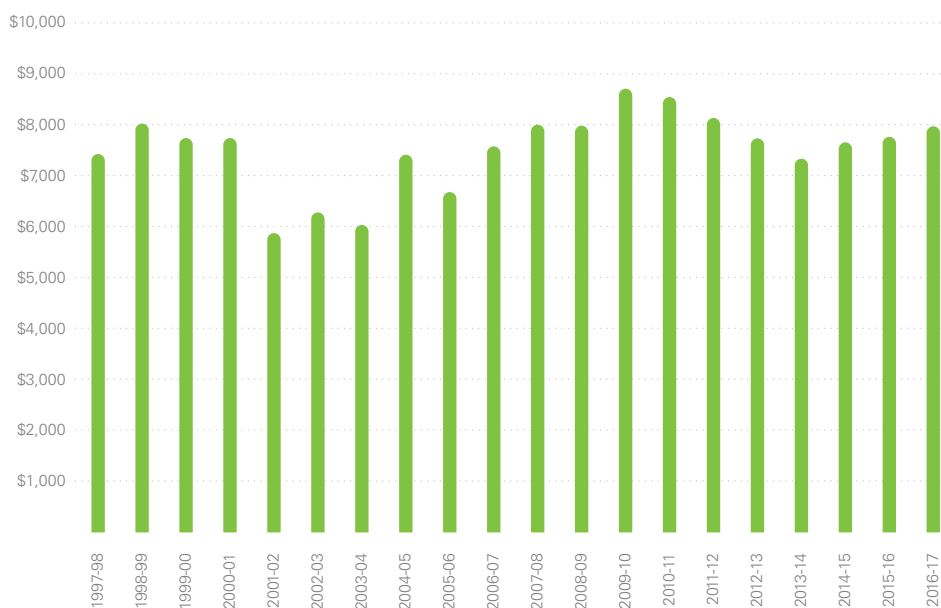
CHART 2: Number of awards made annually



The number of awards made annually has remained steady for about 8 years.

CHART 3: Total amount of financial assistance awarded including legal costs ordered annually

There was a sharp increase in the amount of financial assistance awarded this year commensurate with an increase in the number of awards made.

CHART 4: Average amount of financial assistance awarded under the *Victims of Crime Assistance Act 1996* on determination of applications, 1997/98 – 2016/17

The average amount of financial assistance has remained steady throughout the 20 year history of the Tribunal. This indicates that Tribunal Members are applying the legislation in a consistent manner.



**\$53.9 MILLION
AWARDED,
UP BY 16.5%.**



**AVERAGE AWARD
AMOUNT \$7,983,
UP BY 2.6%.**



The Tribunal – Year in Review

Applications lodged

There were 7,312 applications filed in the reporting period which represents a 17.5% increase over the previous year (6,221). This was the highest number of applications in any year by some margin. All of the major courts saw an increase in applications lodged except Ballarat and Shepparton. Sunshine and Werribee received 44% and 43% increases respectively. Each of Broadmeadows, Dandenong, Ringwood, Melbourne, Moorabbin, Geelong, Warrnambool and Heidelberg all saw increases of over 20%.

Approximately one third of applications arise from an incidence of family violence. Almost 85% of victims of family violence are female.

Female victims made up 57% of the total applications. Around 84% of all rape victims during the reporting period were female and 53% of all assault victims were male.

Applications arising from allegations of assault comprised roughly half of the total applications filed, some of those were assaults that occurred in a family violence context. There were 680 applications for assistance from victims of aggravated burglary, up from 423 in the previous year. This is an increase of over 60%.

Over 11% of all victims in the reporting period were under the age of 18 at the time of the offence. Around 6% of all victims were over 60 years of age.



**INTERIM AWARDS
FOR ASSISTANCE
UP BY 6.4%.**



**7,207 PENDING
APPLICATIONS,
UP BY 6.7%.**

Application outcomes

We finalised 7,209 applications in the reporting period. This is 22% higher than the previous year.

We awarded 4,739 applicants financial assistance (representing 65.7% of all final orders made) compared to 4,161 in the previous year. Additionally:

- ▶ Applications were determined at hearings in 14% of cases, which is significantly less than the 18.8% in the previous year.
- ▶ 374 applications were refused (no assistance awarded), compared to 105 in the previous year. This significant increase was due mainly to approximately 280 applications for assistance by bushfire victims being refused following findings from the Coroner. Refused applications comprised 5.2% of all finalising orders made.
- ▶ 2,096 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,644 in the previous year (an increase of 27.5%). Matters that are withdrawn or struck out have a right of reinstatement.
- ▶ As in previous years, the majority of awards (85.6%) went to primary victims, with 4,058 awards being made this reporting period, compared to 3,577 last year (an increase of 13.4%).
- ▶ The Tribunal made 314 awards of financial assistance to secondary victims, compared to 287 last year. Secondary victims represented 6.6% of all awarded applicants.
- ▶ For related victims, 357 final awards of financial assistance were made, compared to 289 in the previous year. Related victims' applications, which all arise out of homicide cases, including culpable driving, represent 7.5% of all awarded applications. Related victim applications are often the most complex and time consuming matters.
- ▶ 8.2% of all applications finalised during the reporting period arose where the act of violence was identified as aggravated burglary. This is up from 6.0% in the previous reporting period.

Financial assistance awarded

In the reporting period, we awarded a total of \$53.9 million in financial assistance and legal costs to victims of crime, which was 16.6% higher than the \$46.2 million awarded in the previous year. This is commensurate with the increase in the number of finalisations during the reporting period.

The average amount of financial assistance awarded was \$7,983, compared to \$7,784 in the previous year. This figure has remained fairly consistent over the past 20 years showing that the Tribunal Members are applying the legislation consistently. Small increases are expected flowing from the increase in the cost of services and annual increases to the costs guidelines for services such as counselling.

The amount awarded for special financial assistance has gone from 22.5% of the total amount awarded down to 21.9%. Distress (payable to related victims) has risen from 10.9% to 13.4%. Safety Related Expenses has risen from 4.9% to 5.3%. Loss of earnings awards went from 7.3% down to 6.6%.

Review Applications from VOCAT

In the reporting period, 8 applications for review of VOCAT decisions were determined by VCAT. The Victorian Government Solicitor's Office represents VOCAT (as primary decision maker) in all review matters.

Counsel assisting the Tribunal

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

Timeliness

The time it took to finalise applications (measured from the time of lodgement) has improved during the reporting period despite the high volume of applications lodged. Over 65.7% of applications were finalised within 12 months, with more than half (51.5%) being finalised within nine months. At the end of the reporting period, 7,207 applications were pending, compared to 6,757 in the previous year. At any given time, the pending cases will include some active matters that were previously struck out and then reinstated upon the filing of further material. There were 347 matters reinstated in the reporting period.

The increase in pending cases is as a result of a record high number of new applications in the reporting period. The Coordinating Committee has set themselves a goal of developing efficiency measures that will ensure that all applications are dealt with in a timely fashion.

Some applications are more complex. This is a result of changing notions about what may constitute a violent crime and the possible ways in which a person can be victimised. Applications for assistance for family violence offences are complex and continue to rise in number. The complexity of applications impacts on the time required for each of them to be finalised.

Judicial Registrars at VOCAT

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

Judicial registrars have had a considerable impact on the timeliness of finalising VOCAT applications. This year judicial registrars finalised 1,539 applications for assistance, being 21.4% of all finalisations down from 21.9% in the previous year.

VOCAT Users' Group

In March of 2017 the Tribunal instigated the first ever VOCAT Users' Group meeting that incorporated all aspects of the scheme. Commencing with representatives of the legal profession and Victoria police the meetings aim to improve the communication between the Tribunal and practitioners and ultimately to improve the efficiency of Tribunal processes.

Interim awards for safety-related expenses

Since July 2010, VOCAT has been able to make awards to primary victims for safety related expenses without them needing to demonstrate exceptional circumstances. Registrars are able to make awards for safety-related expenses on an interim basis up to \$5,000.

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

Timely hearings

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

- ▶ within 6 to 10 weeks of a VOCAT member deciding to conduct a hearing or
- ▶ where an applicant asks for a hearing, within 6 to 10 weeks of the applicant advising that they have filed all their supporting material, and VOCAT is satisfied that all relevant material has been filed.

Improving access

VOCAT provides registry services at all of Victoria's 51 Magistrates' Court venues, making it accessible to applicants across the state. Members conduct hearings at these venues so that, in most cases, applicants do not have to travel far. In some matters such as in the Koori VOCAT list, we are also exploring the use of non-Court venues to make VOCAT hearings even more accessible, and considering how to best meet the needs of VOCAT applicants within our existing Court venues.



1271 ONLINE APPLICATIONS FILED, UP BY 60%.

Online Applications

The Tribunal launched a new online application process in 2014. Applications for financial assistance can now be completed and filed via the Tribunal's website by clicking the 'Apply Now' link on our website's homepage.

In addition to many other benefits, the form is designed to be user friendly and easy to complete. It contains electronic filters and rules within it to ensure that only questions relevant to a victim's application type are displayed and all required fields are accurately completed. The online application also provides relevant applicants with information regarding the requirements for matters not reported to police and applications for extension of time, and enables supporting documents to be uploaded throughout the application process.

The program allows users to create a 'log-in' enabling them to save incomplete applications as well as maintain a list of all submitted applications for regular users such as legal practitioners. The form is mobile-device-compatible so can be used on a smart phone or tablet which means it can be accessed anywhere and at any time.

Upon submission, electronic applications are filed instantly with the appropriate venue of the Tribunal and an email confirmation is sent to the applicant and their legal representative (if applicable) enclosing a copy of the application and further information regarding the application for assistance.

At the conclusion of this reporting period the Tribunal had received 1271 on-line applications, marking a significant 60% increase in applications, filed online by both legal practitioners and unrepresented applicants from various regional and metropolitan locations across the state and from anywhere in the world.

Removal of verification by statutory declaration

On 2 May 2016 the Victims of Crime Assistance Act 1996 was amended to remove the requirement for an application to the Tribunal to be verified by way of statutory declaration. This has streamlined the Tribunal's online application process, resulting in an immediate rise in the number of applications received on-line. The months of May and June 2016 saw an average of 121 applications filed on-line where the monthly average prior to this statutory change was 55 applications. This growth has been maintained throughout the current reporting period.

Promoting electronic correspondence

The Tribunal at Melbourne has changed its correspondence and procedures this financial year to promote and increase filing of correspondence via email, reducing delays associated with the use of ordinary postal mail. Practitioners are encouraged to utilise generic email addresses provided in the acknowledgement letter sent by Registry upon receipt of an application form.

Legal and other professional help for applicants

Access to justice for victims of crime is of paramount importance, and VOCAT generally pays for victims' legal representation. In the reporting period, we amended the Legal Costs Guideline (Guideline 1 of 2017), increasing the amount we can award to legal practitioners who represent VOCAT applicants. It is hoped this increase will recognise and encourage high quality legal services for victims of crime.

Lawyers are not the only professionals who help victims of crime to access VOCAT. The Government-funded Victims Assistance Program, and non-government counselling services, also play a role.

This reporting period, we worked with the Department of Justice and other stakeholders in reviewing and considering issues related to how victim counselling services are regulated. As much as possible, we want to promote consistent ethical and professional standards for counsellors and health professionals assisting victims of crime to access VOCAT.

VOCAT website

In November 2016 VOCAT launched its new website. The Attorney General, the Honourable Martin Pakula attended a formal launch of the website along with the Chief Magistrate and other dignitaries. The improved website allows easier access to information regarding VOCAT and is now available on all mobile devices.

Changing the way we communicate

The first step in ensuring VOCAT's accessibility is ensuring people are aware of us. This means plain language information about VOCAT must be available to assist applicants to access, understand and navigate through VOCAT's practices and procedures. In the reporting period, we continued to review all VOCAT's written information and change our correspondence in an effort to better inform applicants and their lawyers about the progress of their applications.

Working with our stakeholders

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

Supervising magistrates contributed to ongoing discussions with the Department of Justice policy-makers about issues affecting victims of crime.

Legal and community education

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

Tribunal Members and Registrars state-wide regularly attend at or present at relevant community engagement forums, Victim Support Agency and Victim Assistance Program training and events such as Victim Awareness Week. During this reporting period the Tribunal's standard and compliance officer has also facilitated training for the Funds in Court office of the Supreme Court who administer the Tribunal's trust awards and also attended several CASA locations to facilitate information sessions.

The Tribunal is also included in Victoria Police's recruit curriculum, facilitating regular VOCAT training sessions with recruits who visit the Melbourne Magistrates' Court as part of their program at the Victorian Police Academy.

Victims of Crime Consultative Committee

Supervising Magistrate Andrew Capell is a member of the Victims of Crime Consultative Committee (VOCCC) which has been set up by the Attorney-General to, among other things, provide a forum for victims of crime and relevant justice and victim service agencies to discuss victims' policies, practices and service delivery and to promote the interests of victims in the administration of justice. Rod Ratcliffe, the Principal Registrar of VOCAT also attended a meeting of the VOCCC working group to discuss the Tribunal from a victim's perspective.

The Future

The Tribunal will be responsive to recommendations from the Royal Commission into Family Violence and the Royal Commission into Institutional Abuse of Children.

The Tribunal also welcomes the Victorian Law Reform Commission's review into the Victims of Crime Assistance Act 1996. The Tribunal will provide submissions to the Commission regarding ways to provide fairer and more timely outcomes for all victims.



Supervising Magistrate Andrew Capell at the new VOCAT website launch.



Department of Justice
Office of the Chief Magistrate

Chief Magistrate Peter Lauritsen at the new VOCAT website launch.

Managing VOCAT

A Principal Registrar, Standards and Compliance Officer, and staff across 51 venues throughout Victoria all support VOCAT's goal of providing a timely, empathetic, informal and cost-effective service. Our Coordinating Committee is dedicated to continually improving our performance, including investing in professional development for all members, registrars and staff. This promotes a consistent, compassionate and responsive approach to the needs of victims of crime.

Our Coordinating Committee

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

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

Committee Chair:

Supervising Magistrate
Johanna Metcalf

Members:

Deputy Chief Magistrates Felicity Broughton and Lance Martin, Supervising Magistrate Andrew Capell, Magistrates Timothy Bourke, Ann Collins, David Fanning, Carolene Gwynn (until 8 May 2017), Catherine Lambie, Duncan Reynolds, Judicial Registrars Sharon McRae and Ruth Andrew, Principal Registrar Rod Ratcliffe, Standards and Compliance Officer Donna Caruana (until 19 January 2017), Acting Standards and Compliance Officer Emma Taylor, Melbourne VOCAT Registry Manager Sandra Tennant, VOCAT Family Violence Registrar Andrew Chidzey (from March 6 2017).

VOCAT's Coordinating Committee drives many of the initiatives aimed at improving VOCAT's operation, increasing VOCAT's community presence and contributing to positive outcomes for victims of crime. Having decision makers as well as those who manage the administrative functions of VOCAT on the Committee promotes consistency between the judiciary and registrars and takes into account issues affecting them.

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

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

- ▶ Proposed reforms to remove time limits relating to applications for assistance made by victims of childhood abuse
- ▶ Request from the Chief Magistrate to consider the delegation of powers to registrars (with respect to raising the financial delegation for making of interim awards from \$5,000 to \$10,000)
- ▶ Consideration as to the implementation of relevant Recommendations arising from the Family Violence Royal Commission
- ▶ Review of appropriate counsellor qualifications and fee guidelines
- ▶ Ongoing oversight of the Koori VOCAT List
- ▶ A review of the relevant legislative challenges associated with Related Victim applications
- ▶ A review of the Tribunal's panel of independent dentists
- ▶ Design and implementation of a regular VOCAT User Group meeting attended by the Supervising Magistrates, Principal Registrar, registry staff and core Tribunal stakeholders
- ▶ Payment of awards to vulnerable victims – overseeing the Tribunal's transfer of funds held by the Tribunal for existing claims to Funds in Court to enable that office to manage release of all funds held in trust for vulnerable victims
- ▶ A review of the impact of legislative reforms regarding rape and sexual offences on Special Financial Assistance Regulations
- ▶ Consideration as to the issue of delay in the Tribunal's overall performance and proposed recommendations to expedite the application process by monitoring and analysing statistics from monthly reports
- ▶ Discussion regarding the design and content of the Tribunal's new website and review of said website after it "went live" on 6 October 2016.
- ▶ Consideration as to the development of appropriate guidelines to aid the Tribunal when making awards for safety related expenses and issuing a directive that any item installed as (i.e. camera, alarm) must be done by an organisation registered to do so in Victoria in accordance with *Private Security Act 2004*.
- ▶ Review of Proper Venue provisions and recommendation for legislative change to ensure work is more evenly distributed across all locations and less requirement for applicants living outside of Victoria to have their claims processed through the Melbourne registry now that videolink facilities are so prevalent across Victorian courts.
- ▶ Discussion surrounding the allocation of time and resources to the Magistracy in order to appropriately consider and determine applications for assistance and the potential impact of any change to the existing powers delegated to Judicial Registrars that would enable them to undertake greater volume of Tribunal work

- ▶ Consideration as to an appropriate response and drafting of submissions to the VLRC following the commencement of their review into the *Victims of Crime Assistance Act 1996* as recommended in the Royal Commission into Family Violence
 - ▶ The Committee noted that establishment of a National Redress Scheme is a key recommendation of the Royal Commission into Institutional Responses to Childhood Sexual Abuse. Accordingly, there was significant discussion as to how the potential implementation of the Redress Scheme may impact the Tribunal.
 - ▶ A review of the Tribunal's panel of independent psychologists/psychiatrists
 - ▶ A review of the Tribunal's Legal Costs Guidelines
 - ▶ A review of the archiving and disposal requirements for finalised applications and recommendation of an amendment to existing legislation allowing for a self-executing order to apply for claims struck out and not reinstated within a prescribed period of time.
 - ▶ Discussion and consideration as to the involvement of the Tribunal with other relevant victim support agencies in light of the Bourke Street tragedy to ensure that appropriate communication and coordination enabled expedited assistance for victims
 - ▶ Review of the Tribunal's Practice Direction regarding access to files in light of Associate Justice Lansdowne's decision requiring the Tribunal to make an order to allow publication of material for every subpoena and the impact that this would likely have on the Tribunal's workload
 - ▶ Discussion of professional development and training events for magistrates and registrars.
 - ▶ Monitored statistical information across venues regarding the number of applications for assistance lodged and determined, awards of assistance made (including interim awards) and the amount of assistance awarded.
 - ▶ Consideration of Victorian Civil and Administrative Tribunal's reviews of VOCAT decisions to ensure that tribunal members are informed of relevant decisions and that decisions that are of sufficient interest are placed on the VOCAT website.
- Members of the Committee participated in:
- ▶ The provision of materials and information sessions about VOCAT for new magistrates
 - ▶ The provision of VOCAT training for new judicial registrars
 - ▶ Liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the Aboriginal Family Violence Prevention Legal Service
 - ▶ Provision of VOCAT specific training as part of the Victoria Police Academy curriculum
 - ▶ Meeting with representatives of the Victims Support Agency to discuss issues relating to services to victims of crime.
 - ▶ Attendances at State-wide VOCAT registrar's conferences.

Consistency and Responsiveness

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

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

- ▶ contributing to the ongoing professional development of Tribunal members, including presenting a session of the Court's Professional Development day
- ▶ familiarising new magistrates and Judicial Registrars with VOCAT, including providing information sessions and maintaining a judicial induction manual
- ▶ contributing to the VOCAT Practice Page on the Judicial College of Victoria website
- ▶ reviewing and publishing relevant VOCAT and Court of Appeal decisions on our website
- ▶ reviewing and updating Tribunal Guidelines and Practice Directions



Principal Registrar's Message

Principal Registrar of VOCAT, Rod Ratcliffe is admitted to practice as an Australian Lawyer and has worked in courts for over 12 years.

Assisting Victims of Crime

The reporting period has been a challenging year for VOCAT as a whole. It is not always possible to discern from the statistical data the extent of the impact of certain trends. More importantly, every single application represents a story of a person claiming assistance as a victim of violent crime.

There were **7,312** applications for assistance lodged in 2016/17. This is up from 6,221 in 2015/16 which represents a 17.51% increase in one year. In raw numbers there were 1,089 more applications lodged than in the previous year. March, May and June of 2017 saw respectively the highest, third highest and second highest number of applications lodged in a single month in the history of the Tribunal. This shows that numbers not only rose but continued to rise towards the end of the year. The monthly average for the year was 609, up from 518 in the previous year.

The number of pending cases (applications yet to be finalised) increased to 7,207 as at 30 June 2017 (6,757 at the end of 2015/16). Despite a 22% increase in the number of finalisations over the financial year, the increased level of new applications meant that the number of pending cases increased in all but one month.

One indicator of the quality of work is that despite record numbers of applications the average time taken to process claims has actually reduced. Over half of all matters (51.5%) were finalised within 9 months (as compared to 47.6% in 2015/16). This has been done without any increase in funded positions.

It must be stated that the Magistrates' Court and in particular, each of the Senior Registrars have been generous with their staff, facilities and court rooms. VOCAT could not function as efficiently, if at all, without the constant assistance provided by the Magistrates' Court.

So from me and my leadership team, we offer our thanks to all the Registrars and administrative staff of VOCAT. Thank you for working harder, working smarter and most of all for remembering always that this is all about assisting people who are victims of crime.

Our Registry

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

At 30 June 2017, the Tribunal funded 25 registry positions across Victoria and was further supported by registrars and administrative staff of the Magistrates' Court.

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

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

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

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

VOCAT Registrars

Registrars are the main points of contact for victims, providing procedural advice and support throughout the application process. Registrars also work closely with Tribunal members and judicial registrars. In most cases, the Registrars, who have been dealing with the file since it was initiated, review the content of the application and provide advice and recommendations to the Tribunal members regarding directions and awards.

Tribunal members and judicial registrars still retain full discretion in the making of awards but the work of the registrars provides a solid foundation upon which to make those decisions.

The functions of the Registrars includes:

- ▶ obtaining medical and psychological reports, police information about an alleged offence, criminal histories, and prosecution outcomes
- ▶ ensuring applicants file the documents needed to support their applications, and that the information provided is complete and comprehensible
- ▶ making sure applicants receive their awards of financial assistance
- ▶ providing administrative support in relation to applications for the variation of awards
- ▶ ensuring that each file is progressed as expeditiously as possible to ensure that applicants receive their awards in a timely manner
- ▶ answering a high volume of counter and telephone enquiries

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



25 FUNDED REGISTRY POSITIONS ACROSS VICTORIA, UP BY 4.1%.



**35,269 UNIQUE VISITS
TO OUR WEBSITE,
UP BY 9.3%.**

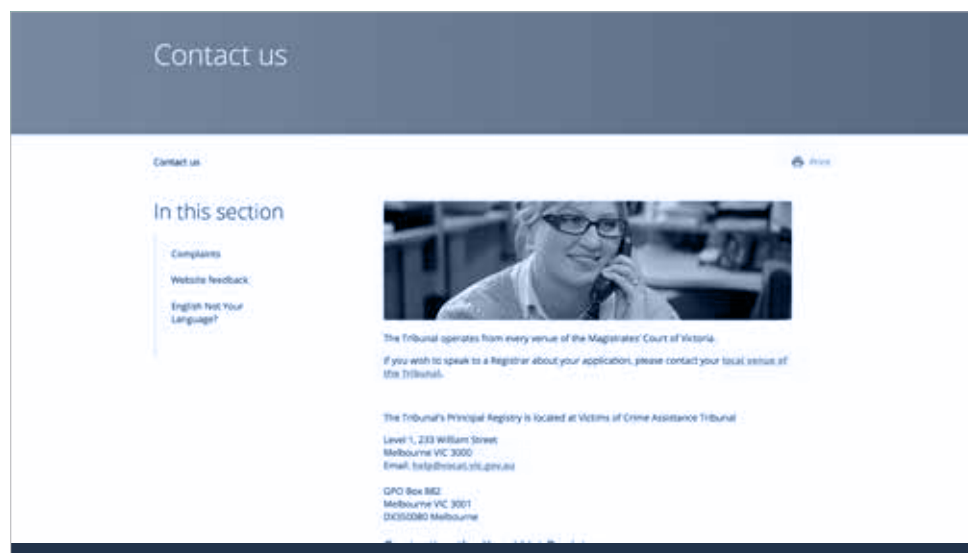
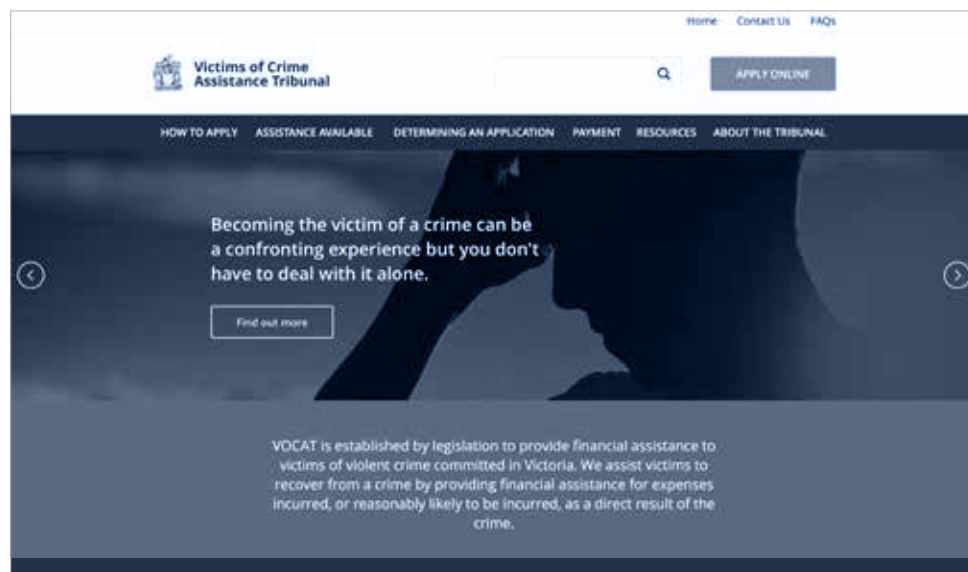
All Magistrates' Court registrars at Victorian Public Service Grade 3 or above are also VOCAT registrars. At this level, registrars have a wide range of knowledge and skills, developed through their work across a variety of Court jurisdictions. This equips them to deal with the often-challenging nature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

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

VOCAT Website

The Tribunal's current website (www.vocat.vic.gov.au) was redeveloped in 2016 and contains useful information, including:

- ▶ application forms and guides
- ▶ information about what VOCAT does
- ▶ links to victim support services and resources



- ▶ practice directions and guidelines
- ▶ publications such as reports and brochures and
- ▶ appeal decisions that VOCAT considers important

In late 2014 the website was updated to incorporate an online application form, increasing accessibility to the Tribunal.

In November 2016 a new VOCAT website was launched. The new site boasts modern architecture and user interface. Unlike the previous site the technology allows the new website to be used on any device including smart phones, tablets and PCs. This means it can be used anywhere and at any time.

This year the website received 35,269 unique visits, compared to 32,273 in the previous year. As with the previous year, the 'Application for Assistance form' was the most commonly downloaded publication/form. The current website also enables the content to be translated into over 70 languages, this reporting period the site was translated 224 times.





Our Statistical Report

The tables below provide information about applicant demographics, awards of financial assistance made, appeals against VOCAT decisions, and case processing times.

TABLE 1: Summary – applications for assistance lodged, finalised and pending, 2014/15 to 2016/17

	2014/15	2015/16	2016/17
Caseload			
Number applications lodged	6,053	6,221	7312
Number orders made finalising claims	6,113	5,910	7209
Number applications pending on 30 June	6,039	6,757	7207
Case processing times			
Proportion of applications finalised within 9 months of lodgement	54.7%	47.6%	51.5%
Proportion of applications finalised within 12 months of lodgement	69.4%	62.9%	65.7%
Age of pending caseload			
Proportion of applications pending for 9 months or more on 30 June	39.6%	40.6%	36.1%
Proportion of applications pending for 12 months or more on 30 June	29.3%	31.3%	26.6%

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, 2016/17¹

	No. applications			Distribution %		
	Male	Female	Total	Male	Female	Total
Homicide	303	309	612	49.5%	50.5%	8.4%
Rape	44	237	281	15.7%	84.3%	3.8%
Sex crime (non rape)	212	733	945	22.4%	77.6%	12.9%
Robbery	249	164	413	60.3%	39.7%	5.6%
Assault	1782	1569	3351	53.2%	46.8%	45.8%
Abduction/kidnap	25	28	53	47.2%	52.8%	0.7%
Criminal damage by fire	9	11	20	45.0%	55.0%	0.3%
Burglary	313	367	680	46.0%	54.0%	9.3%
Harassment	28	133	161	17.4%	82.6%	2.2%
Other	180	616	796	22.6%	77.4%	10.9%
Total	3145	4167	7312	43.0%	57.0%	100.0%

Outcome of finalised applications

TABLE 3: Number of orders made upon final determination of applications for financial assistance, by order type, 2014/15-2016/17

	2014/15		2015/16		2016/17	
	No.	%	No.	%	No.	%
Application granted/award made	4462	73.0%	4161	70.4%	4739	65.7%
Application refused	131	2.1%	105	1.8%	374	5.2%
Application struck out/withdrawn	1518	24.8%	1644	27.8%	2096	29.1%
Other disposal	2	0.0%	0	0.0%	0	0.0%
Total	6113	100.0%	5910	100.0%	7209	100.0%

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

TABLE 4: Number of awards of financial assistance made upon final determination of applications for assistance, by award type, 2014/15-2016/17

Award Type	2014/15		2015/16		2016/17	
	No.	%	No.	%	No.	%
Primary victim award	3740	83.8%	3577	86.0%	4058	85.6%
Secondary victim award	296	6.6%	287	6.9%	314	6.6%
Related victim award	410	9.2%	289	6.9%	357	7.5%
Award for funeral expenses only	4	0.1%	3	0.1%	4	0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	0	0.0%	1	0.0%	0	0.0%
Other	12	0.3%	4	0.1%	6	0.1%
Total	4462	100%	4161	100%	4739	100%

TABLE 5: Number of awards of financial assistance made, by age and gender of awarded applicants, 2016/17

Age at Award	No applications			Distribution %		
	Male	Female	Total	Male	Female	Total
0 – 18 years	262	272	534	49.1%	50.9%	11.3%
19 – 25 years	276	219	495	55.8%	44.2%	10.4%
26 – 35 years	404	370	774	52.2%	47.8%	16.3%
36 – 60 years	687	712	1399	49.1%	50.9%	29.5%
61 years +	149	115	264	56.4%	43.6%	5.6%
Unknown	290	983	1273	22.8%	77.2%	26.9%
Total	2068	2671	4739	43.6%	56.4%	100.0%

TABLE 6: Number of awards of assistance made by category of offence and gender of awarded applicant, 2016/17

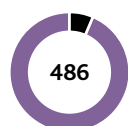
	No applications			Distribution %		
	Male	Female	Total	Male	Female	Total
Homicide	181	213	394	45.9%	54.1%	8.3%
Rape	23	172	195	11.8%	88.2%	4.1%
Sex crime (non rape)	163	537	700	23.3%	76.7%	14.8%
Robbery	174	98	272	64.0%	36.0%	5.7%
Assault	1239	1061	2300	53.9%	46.1%	48.5%
Abduction/kidnap	12	19	31	38.7%	61.3%	0.7%
Criminal damage by fire	2	5	7	28.6%	71.4%	0.1%
Burglary	168	219	387	43.4%	56.6%	8.2%
Harassment	15	84	99	15.2%	84.8%	2.1%
Other	92	262	354	26.0%	74.0%	7.5%
Total	2069	2670	4739	43.7%	56.3%	100.0%

TABLE 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2016/17

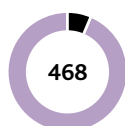
Region: **BARWON SOUTH WEST**

Tribunal venues within region:	Colac	Geelong	Hamilton	Portland	Warrnambool
Applications Lodged	32	284	30	29	111
Final Orders Made	22	267	25	27	127
Awards Made	16	183	20	19	75

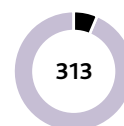
Barwon South West Totals



Applications Lodged
6.6% OF
STATEWIDE
TOTAL



Final Orders Made
6.5% OF
STATEWIDE
TOTAL



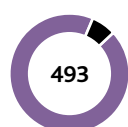
Awards Made
6.6% OF
STATEWIDE
TOTAL

Region: **BROADMEADOWS**

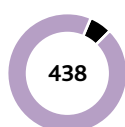
Tribunal venues within region: Broadmeadows

Applications Lodged	493
Final Orders Made	438
Awards Made	298

Broadmeadows Totals



Applications Lodged
6.7% OF
STATEWIDE
TOTAL



Final Orders Made
6.1% OF
STATEWIDE
TOTAL



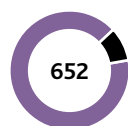
Awards Made
6.3% OF
STATEWIDE
TOTAL

Region: **DANDENONG**

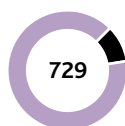
Tribunal venues within region: Dandenong

Applications Lodged	652
Final Orders Made	729
Awards Made	511

Dandenong Totals



Applications Lodged
8.9% OF
STATEWIDE
TOTAL



Final Orders Made
10.1% OF
STATEWIDE
TOTAL

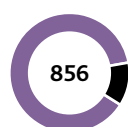


Awards Made
10.8% OF
STATEWIDE
TOTAL

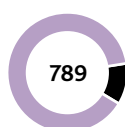
Region: **FRANKSTON**

Tribunal venues within region:	Dromana	Frankston	Moorabbin
Applications Lodged	146	409	301
Final Orders Made	139	405	245
Awards Made	82	291	166

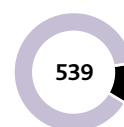
Frankston Totals



Applications Lodged
11.7% OF
STATEWIDE
TOTAL



Final Orders Made
10.9% OF
STATEWIDE
TOTAL



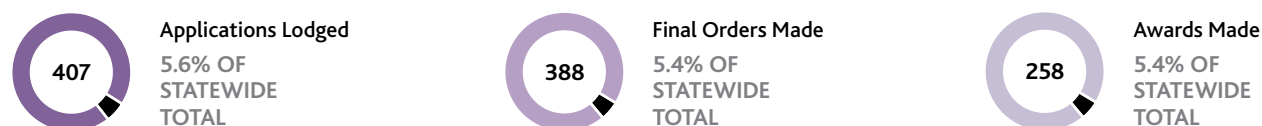
Awards Made
11.4% OF
STATEWIDE
TOTAL

TABLE 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2016/17 (continued)

Region: GIPPSLAND

Tribunal venues within region:	Bairnsdale	Korumburra	Latrobe Valley	Sale	Wonthaggi
Applications Lodged	41	37	257	46	26
Final Orders Made	44	59	230	44	11
Awards Made	34	40	147	28	9

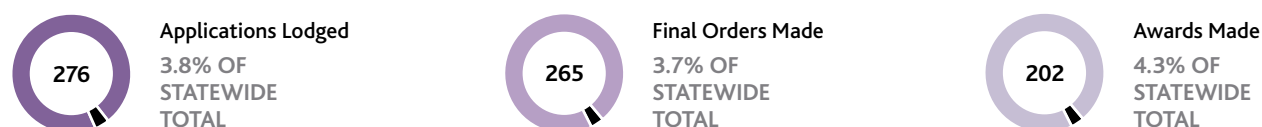
Gippsland Totals



Region: GRAMPIANS

Tribunal venues within region:	Ararat	Ballarat	Horsham	St Arnaud	Stawell
Applications Lodged	16	230	27	3	0
Final Orders Made	20	215	27	3	0
Awards Made	12	169	18	3	0

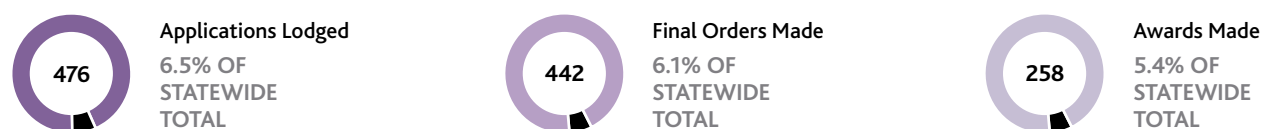
Grampians Totals



Region: HEIDELBERG

Tribunal venues within region:	Heidelberg
Applications Lodged	476
Final Orders Made	442
Awards Made	258

Heidelberg Totals



Region: HUME

Tribunal venues within region:	Benalla	Mansfield	Cobram	Seymour	Shepparton	Wangaratta	Wodonga
Applications Lodged	30	0	0	37	123	46	37
Final Orders Made	55	0	0	25	154	45	52
Awards Made	31	0	0	21	117	32	32

Hume Totals

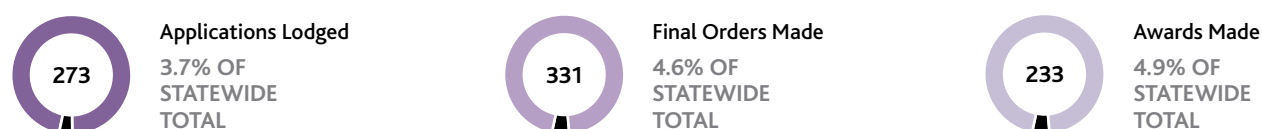


TABLE 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2016/17 (continued)

Region: **LODDEN MALLEE**

Tribunal venues within region:	Bendigo	Castlemaine	Echuca	Kerang	Kyneton	Maryborough	Mildura	Swanhill
Applications Lodged	152	14	33	9	34	19	69	11
Final Orders Made	133	4	28	7	28	12	53	17
Awards Made	91	4	18	5	20	7	46	10

Lodden Mallee Totals



Applications Lodged
4.7% OF
STATEWIDE
TOTAL



Final Orders Made
3.9% OF
STATEWIDE
TOTAL



Awards Made
4.2% OF
STATEWIDE
TOTAL

Region: **MELBOURNE**

Tribunal venues within region:	Melbourne	Koori List
Applications Lodged	1362	307
Final Orders Made	1618	283
Awards Made	909	174

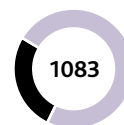
Melbourne Totals



Applications Lodged
22.8% OF
STATEWIDE
TOTAL



Final Orders Made
26.4% OF
STATEWIDE
TOTAL

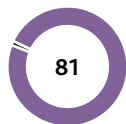


Awards Made
22.9% OF
STATEWIDE
TOTAL

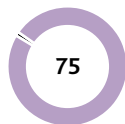
Region: **NEIGHBOURHOOD JUSTICE CENTRE**

Tribunal venues within region:	Collingwood
Applications Lodged	81
Final Orders Made	75
Awards Made	51

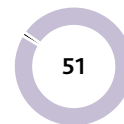
Neighbourhood Justice Centre Totals



Applications Lodged
1.1% OF
STATEWIDE
TOTAL



Final Orders Made
1.0% OF
STATEWIDE
TOTAL

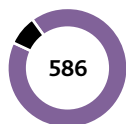


Awards Made
1.1% OF
STATEWIDE
TOTAL

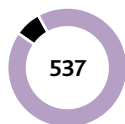
Region: **RINGWOOD**

Tribunal venues within region:	Ringwood
Applications Lodged	586
Final Orders Made	537
Awards Made	378

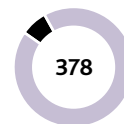
Ringwood Totals



Applications Lodged
8.0% OF
STATEWIDE
TOTAL



Final Orders Made
7.4% OF
STATEWIDE
TOTAL



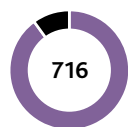
Awards Made
8.0% OF
STATEWIDE
TOTAL

TABLE 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2016/17 (continued)

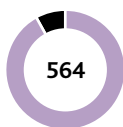
Region: SUNSHINE

Tribunal venues within region:	Sunshine	Werribee
Applications Lodged	485	231
Final Orders Made	368	196
Awards Made	264	150

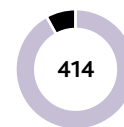
Sunshine Totals



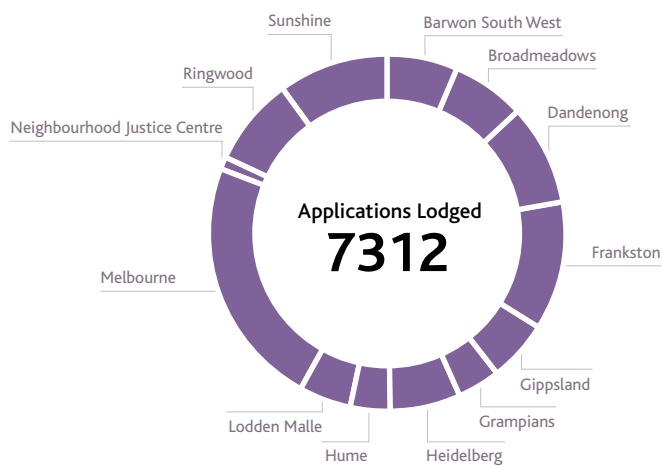
Applications Lodged
9.8% OF STATEWIDE TOTAL



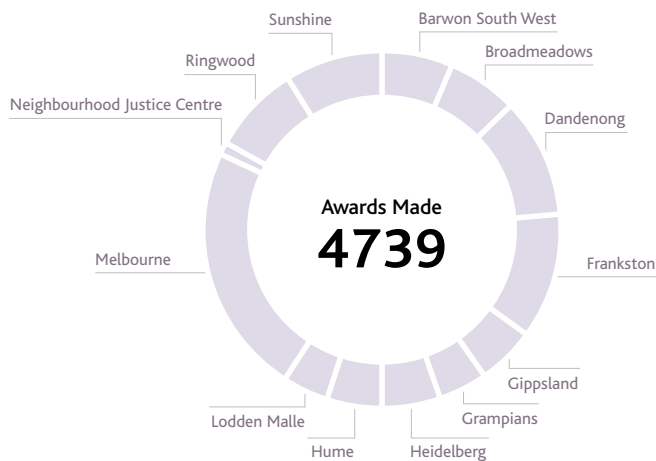
Final Orders Made
7.8% OF STATEWIDE TOTAL



Awards Made
8.7% OF STATEWIDE TOTAL



Neigl



Financial assistance awarded and legal costs²

TABLE 8: Total amount of financial assistance awarded and legal costs ordered (interim, final determination, by variation and on review), 2014/15-2016/17

	2014/15		2015/16		2016/17	
Financial assistance	\$42,138,270	88.6%	\$41,151,633	89.0%	\$48,156,216	89.3%
Legal costs	\$5,399,559	11.4%	\$5,095,278	11.0%	\$5,762,959	10.7%
Total	\$47,537,829	100%	\$46,246,911	100%	\$53,919,175	100.0%

TABLE 9: Total amount of financial assistance awarded, 2014/15-2016/17

	2014/15		2015/16		2016/17	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$32,019,820	75.9%	\$31,991,639	75.9%	\$35,438,319	73.6%
Financial assistance for expenses not yet incurred	\$10,188,944	24.1%	\$10,146,631	24.1%	\$12,717,897	26.4%
Total	\$42,208,764	100%	\$42,138,270	100%	\$48,156,216	100%

TABLE 10: Total amount of financial assistance awarded by assistance type, and legal costs ordered, 2016/17

Assistance Type	Interim Award	Final Award	Award on Variation	Award on Review	Total	
					Total \$	as %
Special financial assistance	\$12,800	\$11,784,040	\$28,533	\$6,650	\$11,832,023	21.9%
Pain and suffering		\$40,000	\$0		\$40,000	0.1%
Distress	\$80,000	\$7,133,790	\$22,330		\$7,236,120	13.4%
Funeral expenses	\$428,390	\$120,881	\$3,565	\$0	\$552,836	1.0%
Loss of earnings	\$123,212	\$3,084,098	\$310,391	\$20,000	\$3,537,701	6.6%
Dependency		\$54,461	\$0		\$54,461	0.1%
Loss/damage to clothing	\$2,455	\$133,725	\$1,972	\$190	\$138,342	0.3%
Counselling/ psychological/ psychiatric reports	\$830,940	\$913,991	\$146,230	\$0	\$1,891,161	3.5%
Counselling sessions	\$3,196,220	\$3,996,530	\$1,239,032		\$8,431,782	15.6%
Medical expenses	\$538,880	\$2,033,598	\$831,613	\$6,517	\$3,410,608	6.3%
Other expenses to assist recovery	\$316,959	\$6,317,938	\$1,517,066	\$6,289	\$8,158,252	15.1%
Safety Related Expenses	\$406,386	\$2,218,137	\$248,157	\$250	\$2,872,930	5.3%
Subtotal	\$5,936,242	\$37,831,189	\$4,348,889	\$39,896	\$48,156,216	89.3%
Legal Costs		\$5,628,709	\$91,250	\$43,000	\$5,762,959	10.7%
Total	\$5,936,242	\$43,459,898	\$4,440,139	\$82,896	\$53,919,175	100%

² The acts of violence for applicants have been grouped according to the broad offence categories used by Victoria Police in reporting crime statistics.

TABLE 11: Amount of financial assistance awarded as a lump sum payment and for *expenses already incurred*, by type of assistance, 2016/17

Assistance Type	Interim Award	Final Award	Award on Variation	Award on Review	Total	
					Total \$	as %
Special financial assistance	\$18,800	\$11,784,040	\$28,533	\$6,650	\$11,838,023	33.4%
Pain and suffering		\$40,000	\$0		\$40,000	0.1%
Distress	\$80,000	\$7,133,790	\$22,330		\$7,236,120	20.4%
Funeral expenses	\$412,770	\$119,223	\$3,565		\$535,558	1.5%
Loss of earnings	\$123,212	\$3,084,098	\$310,391	\$20,000	\$3,537,701	10.0%
Dependency	\$0	\$54,461	\$0		\$54,461	0.2%
Loss/damage to clothing	\$2,455	\$127,400	\$1,472	\$190	\$131,517	0.4%
Counselling/ psychological/ psychiatric reports	\$830,940	\$913,991	\$146,230		\$1,891,161	5.3%
Counselling sessions	\$390,543	\$1,261,533	\$503,851		\$2,155,927	6.1%
Medical expenses	\$302,383	\$1,360,694	\$494,743	\$2,774	\$2,160,594	6.1%
Other expenses to assist recovery	\$130,623	\$3,277,576	\$924,444	\$539	\$4,333,182	12.2%
Safety Related Expenses	\$85,560	\$1,277,886	\$160,629		\$1,524,075	4.3%
Total	\$2,377,286	\$30,434,692	\$2,596,188	\$30,153	\$35,438,319	100%

TABLE 12: Amount of financial assistance awarded for *expenses not yet incurred*, by type of assistance, 2016/17

Assistance Type	Interim Award	Final Award	Award on Variation	Award on Review	Total	
					Total \$	as %
Counselling sessions	\$2,805,677	\$2,734,997	\$735,181		\$6,275,855	49.3%
Medical expenses	\$236,497	\$672,904	\$336,870	\$3,743	\$1,250,014	9.8%
Loss/damage to clothing	\$0	\$6,325	\$500		\$6,825	0.1%
Other expenses to assist recovery	\$186,336	\$3,040,362	\$592,622		\$3,819,320	30.0%
Funeral expenses	\$15,620	\$1,658	\$0		\$17,278	0.1%
Safety related	\$320,826	\$940,251	\$87,528		\$1,348,605	10.6%
Total	\$3,564,956	\$7,396,497	\$1,752,701	\$3,743	\$12,717,897	100.0%

TABLE 13: Number of final awards of financial assistance made, and average amount of financial assistance awarded on final determination, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of awards of financial assistance made	4,462	4,161	4739
Amount of financial assistance awarded	\$34,094,333	\$32,387,146	\$37,831,189
Average amount of financial assistance awarded	\$7,641	\$7,784	\$7,983

TABLE 14: Number of primary victims awarded special financial assistance and amount awarded on determination of application, by category, 2014/15-2016/17

	Number			Distribution		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
Number of primary victims who were awarded special financial assistance by category						
Category A	758	745	787	20.9%	21.5%	20.0%
Category B	819	791	953	22.6%	22.9%	24.2%
Category C	1314	1237	1402	36.2%	35.8%	35.6%
Category D	735	686	797	20.3%	19.8%	20.2%
Total	3626	3459	3939	100%	100%	100.0%
Amount of special financial assistance awarded by category						
Category A	\$6,213,672	\$6,033,254	\$6,681,604	57.9%	58.1%	56.5%
Category B	\$2,425,305	\$2,377,000	\$2,866,049	22.6%	22.9%	24.2%
Category C	\$1,633,466	\$1,538,310	\$1,775,997	15.2%	14.8%	15.0%
Category D	\$454,913	\$427,570	\$505,313	4.2%	4.1%	4.3%
Total	\$10,727,356	\$10,376,134	\$11,828,963	100%	100%	100.0%
Average amount of special financial assistance awarded by category						
Category A	\$8,197	\$8,098	\$8,490			
Category B	\$2,961	\$3,005	\$3,007			
Category C	\$1,243	\$1,244	\$1,267			
Category D	\$619	\$623	\$634			
Total	\$2,958	\$3,000	\$3,003			

TABLE 15: Number of related victims awarded financial assistance for distress and amount awarded on final determination, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of related victims who were awarded financial assistance for distress	404	290	361
Amount of financial assistance awarded to related victims for distress on determination of application	\$7,350,793	\$5,051,030	\$7,236,119
Average amount of financial assistance awarded to related victims for distress	\$18,195	\$17,417	\$20,045

TABLE 16: Amount of legal costs ordered to be paid on the final determination of applications for financial assistance, and average legal costs ordered, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of awards of financial assistance made	4,462	4,161	4,739
Amount ordered to be paid for legal costs	\$5,210,758	\$4,937,677	\$5,628,709
Average amount of legal costs ordered to be paid per awarded applicant	\$1,168	\$1,187	\$1,188

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 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of interim awards of assistance made by Tribunal members	1,099	1,152	1,201
Number of interim awards of assistance made by judicial registrars	259	267	276
Number of interim awards of assistance made by registrars	541	728	743
Total number of interim awards of assistance made for expenses already incurred	1,899	2,147	2,220
Proportion of interim awards made by registrars	28.5%	33.9%	33.5%
Amount of interim financial assistance awarded for expenses already incurred	\$1,953,921	\$1,953,921	\$2,377,286
Average amount of interim financial assistance awarded for expenses already incurred	\$1,029	\$910	\$1,071

TABLE 18: Number of interim awards of financial assistance made where financial assistance was awarded for expenses not yet incurred, and amount awarded, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of interim awards of assistance made by Tribunal members	822	924	935
Number of interim awards of assistance made by judicial registrars	146	174	192
Number of interim awards of assistance made by registrars	439	540	616
Total number of interim awards of assistance made for expenses not yet incurred	1,407	1,638	1,743
Proportion of interim awards made by registrars	31.2%	33.0%	35.3%
Amount of interim financial assistance awarded for expenses not yet incurred	\$1,950,097	\$2,546,763	\$3,564,956
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,386	\$1,555	\$2,045

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, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of awards varied to award further financial assistance for expenses already incurred	936	986	1255
Amount of financial assistance awarded on variation for expenses already incurred	\$2,135,858	\$2,025,508	\$2,585,557
Average amount of financial assistance awarded on variation for expenses already incurred	\$2,282	\$2,054	\$2,060

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, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number of awards varied to award further financial assistance for expenses not yet incurred	602	588	708
Amount of financial assistance awarded on variation for expenses not yet incurred	\$1,379,370	\$1,389,569	\$1,752,701
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,291	\$2,363	\$2,476

Applications for review of decisions

TABLE 21: Number of applications for review finalised by the Victorian Civil and Administrative Tribunal, by outcome, 2014/15-2016/17

	2014/15		2015/16		2016/17	
Outcome						
Original order/award set aside and new award made on review	6	33.3%	3	27.3%	2	25.0%
Award varied on review	1	5.6%	0	0.0%	1	12.5%
Order affirmed on review	3	16.7%	1	9.1%	2	25.0%
Application for assistance remitted to original decision-maker for determination	4	22.2%	1	9.1%	1	12.5%
Application for review dismissed	0	0.0%	0	0.0%	0	0.0%
Application for review struck out / withdrawn / abandoned	4	22.2%	6	54.5%	2	25.0%
Total	18	100%	11	100%	8	100.0%

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, 2014/15-2016/17

	2014/15	2015/16	2016/17
Number awards of assistance made or varied on review	7	3	3
Amount of financial assistance awarded on review	\$28,025	\$23,662	\$36,153
Average amount of financial assistance awarded on review	\$4,004	\$7,887	\$12,051



[1892]

2
O.B.

[1893]

1
Q.B.

[1893]

2
Q.B.

[1894]

1
Q.B.

Our Financial Report

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

Funding source

The Consolidated Fund of the State of Victoria pays for VOCAT's operating costs. The amounts of financial assistance that the Tribunal awards are also paid out of the Consolidated Fund, which is appropriated to the necessary extent.³

Financial assistance paid

In the year ending 30 June 2017, the Tribunal paid a total amount of \$43,408,546 (compared to \$36,157,242 in the previous year). This amount comprises financial assistance paid to victims of crime and fees for service providers and legal practitioners. It represents actual payments made in the reporting period. It therefore does not include amounts relating to awards made in the current or previous reporting periods that were not paid in the current reporting period. Neither does it include financial assistance awarded for expenses not yet incurred or not used by applicants.

³ Section 69(1) of the *Victims of Crime Assistance Act 1996*



**TRIBUNAL'S
OPERATING COST
UP BY 4%.**

Operating costs

In the year ending 30 June 2017, VOCAT's operating costs were \$2,956,328 compared to \$2,841,031 in the previous year (an increase of 4%, compared to our 0.4% decrease in the previous reporting period).

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

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

The Magistrates' Court therefore absorbs a large proportion of VOCAT's operating costs, including magistrates' salaries⁴, infrastructure costs and corporate service expenses (such as human resource and finance functions).

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

Average cost per finalised claim

For the year ending 30 June 2017, the average cost per finalised application for financial assistance was \$410 compared to \$481 in the previous year. This represents a decrease of 14.6%. This is largely due to a significant increase in the number of matters finalised over the reporting period.

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

⁴ 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.

Financial Statement for year ending 30 June 2017

	Note	2015/16	2016/17
Special Appropriations	1		
Salaries, Overtime & Ann. Leave		\$1,673,302	\$1,893,319
Superannuation		\$150,550	\$163,197
Payroll Tax		\$84,866	\$113,038
Provision For Long Service Leave		\$108,424	\$45,909
Workcover Levy		\$13,866	\$16,342
Fringe Benefits Taxation			
Total Salaries And Associated Expenditure		\$2,031,008	\$2,231,805
Operating Expenditure			
Travel & Personal Expenses		\$5,979	\$11,642
Printing, Stationery & Subscriptions		\$30,158	\$26,062
Postage & Communication		\$10,733	\$1,929
Contractors and Professional Services	2	\$145,068	\$100,723
Training and Development		\$3,102	\$1,129
Motor Vehicle Expenses		\$-	\$-
Operating Expenses	3	\$533,164	\$532,884
Witness Payments			\$-
Other Finance Costs			\$-
Information Technology Costs		\$64,401	\$28,847
Rent Utilities and Property Services		\$17,418	\$21,307
Repairs and Maintenance			
Total Operating Expenditure		\$810,023	\$724,523
Total Salaries And Operating Expenditure		\$2,841,031	\$2,956,328
Special Appropriations			
Award Payments		\$36,157,242	\$43,408,546
Total Awards	4	\$36,157,242	\$43,408,546

Notes to and forming part of the financial statement

This Financial statement is based upon financial data available as at 16 August 2017.

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 2017.

Note 2: The expenditure for contractors and professional services relates predominantly to legal costs.

Note 3: Operating recoups were previously split across different categories however have been consolidated within the operating expenses category from 2015-16.

Note 4: 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 2017.

Our Directory of Tribunal Members & Judicial Registrars in the year under review

CHIEF MAGISTRATE

Mr Peter Lauritsen

DEPUTY CHIEF MAGISTRATE

Mr Barry Braun
(Until 15/12/2016)

Ms Felicity Broughton

Mr Lance Martin

Ms Jelena Popovic

DEPUTY STATE CORONER

Mr Ian West

JUDICIAL OFFICERS

Mr Ian Alger

Ms Susan Armour

Ms Megan Aumair

Mr Julian Ayres

Ms Donna Bakos

Mr Thomas Barrett

Ms Luisa Bazzani

Mr John Bentley

Ms Angela Bolger

Mr Timothy Bourke

Ms Jennie Bowles

Mr Gerard Bryant

Mr Anthony Burns

Mr Darrin Cain

Ms Suzanne Cameron

Mr Andrew Capell

Ms Rosemary Carlin

Mr Michael Coghlan

Ms Ann Collins

Mr Gregory Connellan

Mr David Cottrill

Mr Rodney Crisp

Ms Jillian Crowe

Ms Sarah Dawes

Mr John Doherty
(Until 18/04/2017)

Mr Peter Dotchin

Mr Peter Dunn

Ms Jacinta Dwyer

Ms Michelle Ehrlich

Ms Caitlin English

Ms Rosemary Falla

Mr David Fanning

Mr David Faram

Mr Bernard Fitzgerald

Ms Lesley Fleming

Mr Simon Garnett

Mr Timothy Gattuso

Ms Jane Gibson

Mr Phillip Ginnane

Mr Phillip Goldberg

Ms Anne Goldsbrough

Mr Martin Grinberg

Ms Jennifer Grubissa

Ms Carolene Gwynn
(Until 09/05/2017)

Ms Margaret Harding

Mr John Hardy

Ms Annabel Hawkins

Ms Kate Hawkins

Ms Fiona Hayes

Ms Michelle Hodgson

Mr Franz Holzer

Ms Gail Hubble

Ms Audrey Jamieson

Mr Graham Keil

Ms Meagan Keogh

Dr Michael King

Mr Jonathan Klestadt

Ms Elizabeth Lambden

Ms Catherine Lamble

Mr Nunzio LaRosa

Ms Sarah Leighfield

Mr Dominic Lennon

Mr John Lesser

Mr Gerard Lethbridge

Ms Denise Livingstone

Ms Mary-Anne MacCallum

Ms Therese McCarthy

Ms Jan Maclean

Ms Kay Macpherson

Mr Raj Malhotra

Ms Urfa Masood

Mr Ross Maxted

Ms Ann McGarvie

Mr Andrew McKenna

Mr Gregory McNamara

Mr Peter Mealy

Mr Peter Mellas

Ms Johanna Metcalf

Mr Peter Mithen

Mr Stephen Myall

Mr John O'Brien

Mr John O'Callaghan

Ms Julie O'Donnell

Ms Kim Parkinson

Mr Anthony Parsons

Mr Richard Pithouse
 Ms Roslyn Porter
 Mr Hugh Radford
 Mr Peter Reardon
 Mr Duncan Reynolds
 Ms Kay Robertson
 Mr Gregory Robinson
 Mr Charlie Rozencwajg
 Mr Ronald Saines
 Mr Marc Sargent
 Mr Barry Schultz
 Mr Michael Smith
 Mr Paul Smith
 Ms Sharon Smith
 Mr Patrick Southey
 Ms Paresa Spanos
 Ms Pauline Spencer
 Ms Fiona Stewart
 Mr Mark Stratmann
 Ms Stella Stuthridge
 Mr Charles Tan
 Ms Noreen Toohey
 Ms Cynthia Toose
 Ms Jennifer Tregent
 Mr Jack Vandersteen
 Ms Susan Wakeling
 Ms Belinda Wallington
 Mr Timothy Walsh
 Mr Ian Watkins
 Mr Michael Wighton
 Mr Brian Wright
 Mr Simon Zebrowski
 Mr Francis Zemljak

RESERVE MAGISTRATES

Mr Clive Alsop
 Mr Ross Betts
 Mr Doug Bolster
 Mr Barry Braun
 Mr Len Brear
 Mr Phillip Byrne
 Mr Brian Clifford
 Mr John Doherty
 Mr Lou Hill
 Mr Frank Jones
 Mr Bob Kumar
 Mr Gregory Levine
 Mr Ian McGrane
 Mr Dan Muling
 Mr John Murphy
 Mr Peter Power
 Mr Steven Raleigh
 Mr Alan Spillane
 Mr Ian Von Einem
 Mr Peter White

JUDICIAL REGISTRARS

Ms Ruth Andrew
 Mr Julian Bartlett
 Mr Mick Bolte
 Ms Samantha Dixon
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