



# Victims of Crime Assistance Tribunal



# 2004-05 Annual Report

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**Our vision** is to lead in the administration of justice by providing a professional, accessible and responsive system that ensures justice for all Victorians.

In achieving this vision, we embrace two essential **core values**:

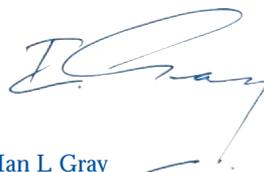
- Every victim is valued and every application is important.
- We will, at all times, provide a professional and courteous service to victims and to all Tribunal users.

## Letter to the Minister

The Honourable Rob Hulls  
 Attorney-General  
 55 St Andrews Place  
 Melbourne 3002

Dear Attorney-General,

In accordance with the requirements of Section 68 of the the *Victims of Crime Assistance Act 1996*, we are pleased to present the Victims of Crime Assistance Tribunal (VOCAT) Annual Report for the year ended 30 June 2005, setting out the performance and operations of the tribunal and its functions, powers and duties during the year under review.



Ian L Gray  
**Chief Magistrate**  
 28 March 2006



Supervising Magistrate Sue Wakeling meets with Principal Registrar Jan Dundon to discuss new guidelines governing counselling and assessment. (Refer to page 8 for more information.)

# Our Profile

## Who We Are

The Victims of Crime Assistance Tribunal (VOCAT) operates throughout Victoria, offering recognition and assistance to victims of crimes involving an act of violence. VOCAT provides financial assistance for certain expenses that have resulted from the crime, special financial assistance in some circumstances and awards for distress in cases where the act of violence resulted in death.

VOCAT may provide assistance if:

- satisfied that an act of violence has taken place in Victoria, which is punishable upon conviction by imprisonment;
- the act of violence was reported to the police and a physical and/or psychological injury has resulted from the act of violence; and
- the applicant made the application within two years of the act of violence taking place. The Tribunal has discretion to extend the time for making applications beyond this limitation if the applicant lodges an application for extension of time and can satisfy the Tribunal that special circumstances exist.

**For an explanation of terms used by the Tribunal in this Annual Report refer to the Glossary of Terminology on page 33.**

## What We Do

VOCAT's objectives are to:

- assist victims of crime to recover from the crime by providing financial assistance for expenses incurred, or reasonably likely to be incurred, by them as a direct result of the crime;

- pay certain victims of crime financial assistance (including special financial assistance) as a symbolic expression by the State of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime; and
- allow victims of crime to have recourse to financial assistance under the Act where compensation for the injury cannot be obtained from the offender or other sources.

VOCAT comprises more than 100 Magistrates who sit as Tribunal Members to hear and determine applications for assistance. VOCAT procedures are less formal than court proceedings. A Tribunal Member is not bound by the rules of evidence and may make inquiries and conduct proceedings in a manner that he or she considers appropriate.

## How We Process Applications

The application process begins when the applicant completes an Application for Assistance and submits it to VOCAT, along with any supporting documentation. The applicant may seek to access interim awards for urgent expenses from the time the application is filed. When all supporting material is filed, a Tribunal Member determines the application, either in the absence of the applicant with the applicant's agreement, or at a hearing.

A person who has suffered injury as a direct result of an act of violence, including persons injured as a direct result of witnessing an act of violence, is entitled to apply to VOCAT for an award of assistance. An injury may be physical or psychological. An act of violence, involving an assault or injury or threat of injury, is

an offence punishable by imprisonment. Most sexual offences are acts of violence.

VOCAT classifies a person who was injured as a direct result of an act of violence (or a person injured as a direct result of attempting to prevent an act of violence or apprehend an offender) as a primary victim who may be entitled to assistance for:

- reasonable counselling expenses;
- reasonable medical expenses;
- loss of earnings; and
- loss of or damage to clothing as a direct result of an act of violence.

In addition, the Tribunal may make an award of special financial assistance for an amount that will vary between \$100 and \$7,500 depending upon the nature of the crime and the circumstances of the applicant.

VOCAT may, in exceptional circumstances, make an award for reasonable expenses to assist in the applicant's recovery from the act of violence. Awards of this kind have included TAFE courses, computer equipment, holidays, self-defence courses, home security systems and pets for companionship.

The Tribunal classifies a person who was injured as a direct result of witnessing an act of violence (such as a child who witnessed family violence) as a secondary victim who may be entitled to an award for:

- reasonable counselling expenses;
- reasonable medical expenses; and
- in restricted circumstances, loss of earnings and/or expenses to assist in recovery.

No special financial assistance is available to secondary victims.

## Our Profile

VOCAT provides assistance to recognise the distress of people closest to victims who are killed as a consequence of an act of violence—related victims.

Under the *Victims of Crime Assistance Act 1996* (the VOCA Act) VOCAT limits the amount of assistance available to an applicant in relation to any act or related acts of violence.

The applicant will not be entitled to an award of assistance if the act of violence was not reported to the police within a reasonable time or the applicant did not cooperate with the investigation or prosecution of any offence, unless the Tribunal finds that special circumstances exist.

There is no requirement that a person be charged or convicted in relation to an act of violence. However, the Tribunal must verify that the act of violence occurred. The recording of a criminal conviction meets this criteria, but an acquittal in criminal proceedings does not prevent the Tribunal making a finding that a person was a victim for the purposes of the Tribunal.

In some circumstances, the Tribunal Member may consider it appropriate to give the person alleged to have committed an act of violence notice of the application and a right to take part in the proceedings. An applicant always has the right to object to this procedure and, if the decision is confirmed, has the option to withdraw the application.

VOCAT may refuse to make an award of assistance or may reduce an award of assistance at any time, having regard to the character, behaviour or attitude of the applicant. The Tribunal considers any criminal history of the applicant and, in particular, any previous violent offending behaviour.

The Tribunal determines whether an award will be made after considering all relevant material, including medical reports filed by, or on behalf of, an applicant. In addition, the Tribunal requests a report regarding the police investigation and, if applicable, public hospital records.

When determining an award of assistance, VOCAT takes into account payments already received by the victim from any other scheme, such as WorkCover, the Transport Accident Commission, Medicare, private health insurance, or from the offender (if found guilty) at the completion of the criminal case, or paid by way of civil damages. The victim must seek assistance from any other appropriate scheme or organisation before applying to the Tribunal.

### Counselling and Assessment

In determining awards for counselling and psychological and psychiatric assessment, VOCAT considers requests for counselling and payment for sessions undertaken. Procedures established by the Tribunal regarding requests for counselling benefit treating psychologists, psychiatrists and counsellors with clear guidelines regarding the information they are to provide in their counselling reports. Victims of crime benefit from the procedures by becoming more involved in the process. Involved with the planning of their treatment, victims have input into the treatment plan to assist in their recovery. At the same time the guidelines require service providers to be accountable in relation to the proposed counselling.

VOCAT instills increased confidence in the process since the applicant signs:

- an acknowledgement on the counselling request form supporting the treatment plan being sought; and
- a standard account form for billing as proof the sessions have been undertaken.

In addition, this process requires service providers to provide their academic qualifications to the Tribunal.

The guidelines aim to establish consistency with regard to service provider reports and ensure these reports provide the relevant information to the Tribunal.

### Information for the Community

In addition to fulfilling its obligations under the legislation, VOCAT provides the important function of informing the community through:

- presentations to related service providers;
- the VOCAT web site; and
- information pamphlets about VOCAT procedures and the assistance available from the Tribunal.

# Highlights of the Year

Refer to Page

## Awards to and on behalf of Victims

- Awarded \$27,400,060 to and on behalf of victims of crime. 4, 18
- Awarded \$1,577,547 in interim assistance. 4, 16, 18
- Awarded \$23,180,989 in final awards. 4, 14, 18
- Awarded \$2,552,539 in variation awards. 4, 17–18
- Increased amount and number of interim awards of assistance made to applicants by 21.0% and 8.3%, respectively, assisting victims earlier in their recovery. 4, 5, 9, 16
- Made a total of 7,527 interim, final and variation awards to assist victims in their recovery. 4, 5, 14, 16–17

## Community

- Initiated consultations to improve the access by Aboriginal applicants to the assistance available under the Act. 5, 6, 8, 9
- Expanded VOCAT's focus on building and maintaining mutually-rewarding community relationships, including its association with the VACP Program and other counselling service providers, the legal profession and health service providers. 9, 25
- Included VOCAT in the Family Violence Court Division of the Magistrates' Court. 5, 8
- Revised the VOCAT Application for Assistance to better serve applicants. 10

## Administration

- Appointed a new Supervising Magistrate on 1 January 2005. 7
- Appointed an acting Principal Registrar on 8 November 2004. 7
- Introduced two new guidelines with regard to fees of legal practitioners and treating psychologists. 7
- Improved accuracy in performance reporting by conducting audits of all cases more than 24 months old and changed the process with regard to pending cases. 6, 9, 11, 12
- Implemented changes with regard to awards held in trust, resulting from the *Courts Legislation (Funds in Court) Act 2004*. 5, 7, 18



*In building and maintaining mutually-rewarding working relationships between registrars and practitioners, members of VOCAT conduct regular meetings and information sessions regarding the work of the Tribunal. From left, Karen Hendricks of the Victims Support Agency and Deputy Registrar Debra Clark hold a counselling information session at the Magistrates' Court in Ringwood.*

# Year at a Glance

Item		2004–05	2003–04	% Change
Total Amount Awarded*	\$'000	<b>27,400</b>	24,109	13.7
Interim Awards Made	\$'000	<b>1,578</b>	1,304	21.0
Final Awards Made	\$'000	<b>23,181</b>	20,519	13.0
Variation Awards Made	\$'000	<b>2,553</b>	2,237	14.1
Awards Reviewed by VCAT	\$'000	<b>28</b>	10	180.0
'Costs Only' Awards Made	\$'000	<b>61</b>	39	56.4
Assistance Awarded under VOCA Act	\$'000	<b>20,533</b>	17,825	15.2
Assistance Awarded under CIC Act	\$'000	<b>293</b>	314	(6.7) <sup>+</sup>
Total Awarded in Legal Costs and Disbursements	\$'000	<b>2,354</b>	2,380	(1.1)
Awards Invested in Trust	\$'000	<b>4,721</b>	25,288	(81.3)
Total Earned by Awards Held in Trust	\$'000	<b>741</b>	1,267	(41.5)
Applications Lodged	No	<b>3,772</b>	4,075	(7.4.)
Applications Finalised	No	<b>5,160</b>	4,525	14.0
Applications Pending	No	<b>3,946</b>	4,991	(20.9)
Applications Resulting in Award Being Made	No	<b>3,055</b>	2,974	2.7
Final Awards Made Under VOCA Act	No	<b>3,030</b>	2,954	2.6
Final Awards Made Under CIC Act	No	<b>25</b>	20	25.0
Outcome of Applications Resulting in No Award Being Made:				
• Other Disposal	No	<b>52</b>	59	(11.9)
• Refused	No	<b>93</b>	156	(40.4)
• Withdrawn/Struck Out	No	<b>1,752</b>	1,331	31.6 <sup>^</sup>
• Section 32/48 Orders	No	<b>5</b>	5	n/c
• Costs Only/Costs Refused <sup>#</sup>	No	<b>203</b>	-	-
Reviews of VOCAT Decisions Determined at VCAT	No	<b>28</b>	28	n/c
Interim Assistance Awards Made	No	<b>1,657</b>	1,530	8.3
Variation Awards Made	No	<b>2,815</b>	2,660	5.8
Awards Held in Trust as at 30 June	No	<b>405</b>	2,460	(83.5)
Applications finalised within 12 Months	%	<b>58.4</b>	56.0	2.4
Applications pending for less than 12 Months	%	<b>70.5</b>	58.6	11.9
Awards Made by Victim Category:				
• Primary Victims	%	<b>78.9</b>	80.7	(1.8)
• Secondary Victims	%	<b>6.6</b>	6.2	0.4
• Related Victims	%	<b>14.5</b>	13.1	1.4
• Section 15 Funeral Expenses	%	<b>0.0</b>	0.0	n/c

n/c = No change.

\*The 2003–04 figure was changed to reflect enhancements in performance reporting. Variations between the award payments shown in the Magistrates' Court Annual Report and the VOCAT Annual Report represent differences in the counting methodology The Magistrates' Court lists actual payments processed as compared to VOCAT which lists awards made.

<sup>#</sup>First year reported.

<sup>+</sup>This figure differs from page 15 due to rounding to nearest '\$'000'.

<sup>^</sup>This figure differs from page 12 due to rounding to nearest '\$'000'.

# Our Objectives and Achievements in 2004–05

Objectives	Achievements	Future
<p>Provide financial assistance to victims of crime by way of interim, final and variation awards.</p>	<p>Made 7,527 interim, final and variation awards to assist victims of crime in their recovery, representing an increase of 5.1%.</p> <p>Interim awards of assistance made to applicants increased by 8.3%, assisting victims earlier in their recovery.</p>	<p>Continue to provide financial assistance to victims of crime by way of interim, final and variation awards.</p>
<p>Refine the Tribunal's practices and procedures in accordance with legislative changes.</p>	<p>Successfully transferred trust accounts to the Senior Master's Office pursuant to the <i>Courts Legislation (Funds in Court) Act 2004</i>.</p> <p>Monitored and discussed issues of importance with the Victorian Government Solicitors' Office and Court Services.</p>	<p>Establish protocols for transfer of future trust funds to the Senior Master's Office of the Supreme Court.</p> <p>Establish clear protocols for reviews before the Victorian Civil and Administrative Tribunal.</p>
<p>In accordance with legislative amendments, VOCAT Registrars to process interim awards for medical and counselling expenses up to \$1,000.</p>	<p>Continued to provide victims more efficient service through the processing of interim awards by Registrars.</p>	<p>Increase the frequency of interim awards processed by Registrars.</p>
<p>Improve the response and coordination of services with other government agencies assisting victims of crime.</p>	<p>Held joint VOCAT and VACP counselling seminars.</p> <p>Initiated Aboriginal access forum and continued discussions with appropriate members of the Department of Justice and the wider community.</p> <p>Participated in the training for the pilot of the Family Violence Court Division of the Magistrates' Court at Heidelberg and Ballarat.</p>	<p>Continue to hold VOCAT and VACP counselling seminars to further strengthen VOCAT/VACP coordination.</p> <p>Participate in development of Aboriginal access initiatives.</p> <p>Participate in training to be conducted at additional venues running the Family Violence Court Division of the Magistrates' Court.</p>

# Our Objectives and Achievements in 2004–05

Objectives	Achievements	Future
<p>Seek to further improve our operations with a view to using our resources to both better promote the Tribunal and provide an effective forum for victims of crime to receive assistance that aids in their recovery.</p>	<p>Upgraded the VOCAT web site to make the Application for Assistance and other VOCAT forms available electronically.</p> <p>Conducted joint counselling seminars to improve awareness for the victim services community.</p> <p>Implemented improvements to performance statistics to reflect the number of applications finalised per year.</p>	<p>Enable online lodgment of forms.</p> <p>Participate in the State-wide Steering Committee to Reduce Sexual Assault and Sexual Offence Statistics Project Reference Group.</p> <p>Improve access for Aboriginal applicants.</p> <p>Contribute to the establishment of counselling benchmarks with Victims Support Agency.</p>
<p>Advise, promote and implement changes in accordance with the Chief Magistrate's Practice Directions and improve the efficiency of the Tribunal's practices.</p>	<p>Increased the number of interim awards processed by Registrars.</p> <p>Completed audits of all cases aged more than 24 months.</p> <p>Increased distribution of monthly VOCAT reports to include senior registrars.</p>	<p>Assist in developing a VOCAT practice page on JOIN.</p>

# Chief Magistrate's Message

VOCAT recognises and assists the recovery of people injured as a result of violent crime in Victoria. The Tribunal process of hearing and determining applications provides acknowledgement of the experience of victims. Awards of assistance are available to support a victim's recovery through payment of expenses, involving counselling and medical treatment and reimbursement of lost earnings. It is the work of the Tribunal to respond efficiently and with empathy to the claims brought to it.

During 2004–05, VOCAT placed greater emphasis on efforts to increase the Victorian community's awareness of and access to the Tribunal. To this end the Tribunal adopted a range of strategies, including the following examples:

- Conducted information seminars and forums.
- Developed the web site to provide online access to applications.
- Strengthened communications with other services providing support to victims of crime to promote a more coordinated response to their needs.

Improved communications and responsiveness, along with the increased role of the Registrars, contributed to increases in making urgent awards for assistance, contributing to an 8.3% increase in the number of awards made, resulting in a 21.0% increase in funds awarded. More assistance has been made available to victims of crime at times of their greatest need.

We sought to improve communication with other services that cater for victims of crime to promote a more coordinated response to the needs of victims. As a consequence, VOCAT worked closely with the Victims Support Agency (VSA) to provide information sessions to

service providers and legal practitioners as well as VSA counsellors and VACP representatives. VOCAT introduced two new guidelines to promote consistent practices and assist in managing the expectations of applicants. Refer to 'Guidelines Issued' and 'Forums and Professional Development'.

In October 2004, Principal Registrar of VOCAT Anthony Gwynne accepted a secondment to the County Court and on 8 November 2004 Jan Dundon was seconded to the position of Acting Principal Registrar. I thank her for the professionalism and energy with which she has undertaken this role.

In December 2004, Felicity Broughton ended her appointment as VOCAT Supervising Magistrate after three years in that position. During this instrumental period Felicity:

- oversaw the implementation of the significant amending legislation in 2000 and 2003;
- overhauled the administrative procedures of the Tribunal;
- initiated channels for communication with other agencies concerned with victims of crime;
- edited the second edition of the VOCAT Handbook; and
- made a significant contribution and worked to give effect to, the Review of Services to Victims of Crime Report of 2002.

Felicity Broughton will continue to assist the Tribunal as a member of the Coordinating Committee and will represent the Tribunal on the Sexual Offence Statistics Project Reference Group in 2005–06.



Chief Magistrate Ian Gray.

On 1 January 2005, Susan Wakeling joined VOCAT as new Supervising Magistrate. I am very pleased that Sue has agreed to take on the role and, given her experience and expertise in this jurisdiction, I am confident that she will serve the Court with distinction.

## Increased Registrar Powers

VOCAT recognises the expertise of its Registrars. They are encouraged to exercise their power to make interim awards to a maximum of \$1,000 and to establish communication with local practitioners and service providers to improve awareness of, and compliance with, the practices of the Tribunal.

## Change to Awards Held in Trust

On 1 July 2004, a major change occurred with regard to awards held in trust resulting from the *Courts Legislation (Funds in Court) Act 2004* and the dual roles shared by VOCAT and the Senior Master's Office. The vast majority of trust funds have now been

# Chief Magistrate's Message

transferred to the Supreme Court for administration by the Senior Master.

## Guidelines Issued

On 21 December 2004, I introduced guidelines designed to provide more consistency and transparency for some areas of the Tribunal's practices and procedures. The guidelines govern our procedures with regard to psychologists' counselling and report fees and solicitors' expenses. The guidelines commenced operation on 1 January 2005 and are available on our web site at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au).

## Family Violence Court Division

The Family Violence Court Division of the Magistrates' Court at the Heidelberg and Ballarat courts will pilot new procedures for managing family violence-related matters, including VOCAT applications. We anticipate that access to VOCAT through the Family Violence Court Division will increase its relevance and accessibility to victims of family violence.

## Monthly Meetings with the VSA

We hold monthly meetings with the VSA to promote effective interaction between VOCAT and VSA-funded services. The VSA oversees the provision of counselling services to certain victims of crime through agencies in each region. Victims Assistance and Counselling Program (VACP) workers continued to provide practical support and assistance for applicants accessing entitlements under both schemes.

We began working with the VSA to produce Counselling Benchmarks that will provide information to Tribunal

members to assist them in assessing effective counselling awards. We envisage that this work will be of considerable practical value.

## Aboriginal Applicants

In response to both the very positive outcomes being reported from the Koori Court and community discussions with regard to the high incidence of family and sexual violence in the Aboriginal community, the VOCAT Coordinating Committee took time to consider the Tribunal's response to Aboriginal applicants.

The available anecdotal evidence showed that the number of Aboriginal applicants to the Tribunal was very low. Certainly the numbers did not reflect the incidence of victimisation understood to be occurring in the community.

In August 2004 the Tribunal hosted a forum at the Melbourne Magistrates' Court as part of a process of consultation to ascertain the current experience of the Aboriginal applicant to the Tribunal and explore potential means of improving that experience. The forum was attended by Aboriginal community representatives, victim service providers, policy developers, lawyers, Aboriginal Court Liaison officers, Koori Court and VOCAT Registrars. The Tribunal has worked with interested agencies to formulate a response to this consultation.

## Forums and Professional Development

We continued to hold regional VOCAT information forums, targeting legal practitioners and counselling professionals. The seminars aimed to promote a better understanding of the role, requirements and expectations of VOCAT, while



*New Supervising Magistrate Susan Wakeling appointed from 1 January 2005.*

achieving a higher level of compliance with those requirements. In addition, we conduct regional forums for workers of the VSA-run Victims Assistance and Counselling Program (VACP).

## Acknowledgments

I wish to acknowledge the diligent work of Supervising Magistrates Felicity Broughton and Susan Wakeling and Principal Registrars Anthony Gwynne and Jan Dundon, which has had such a positive impact on the operation of the Tribunal. In addition, I sincerely thank the members of the VOCAT Coordinating Committee, the Registrars and all of the Magistrates for their untiring work and support.

A handwritten signature in black ink, appearing to read 'I. Gray', written over a white background.

**Ian Gray**  
Chief Magistrate

# Principal Registrar's Report

I am pleased to report that 2004–05 marked a year of change as we implemented many key activities and initiatives to improve access to the Tribunal and operational and administrative performance.

## Awards of Assistance

In the last financial year, the Tribunal focused on increasing access by victims to assistance and the operational and financial performance clearly demonstrates our success in this endeavour.

The Tribunal delivered increases across all types of awards for assistance to and on behalf of victims of crime, totalling \$27,400,060, comprised as follows:

- 21.0% increase in interim assistance, totalling \$1,577,547.
- 13.0% increase in final awards, totalling \$23,180,989.
- 14.1% increase in variation awards, totalling \$2,552,539.
- 180.0% increase in awards reviewed by VCAT, totalling \$27,960.
- 56.4% increase in 'costs only' awards, totalling \$61,025.

In particular, the 21.0% increase in the amount of interim awards of assistance helped victims sooner in their recovery. The significant increase in the amount awarded as a result of reviews by VCAT reflects monies awarded for distress.

These figures represent an increase in the Tribunal workflow, and are a result of increased awareness of, and access to, the Tribunal.

## Audits to Improve Performance Reporting

In an effort to improve accuracy in performance reporting and changed process with regard to pending cases, VOCAT conducted a series of audits. Melbourne Registrars Diana Petrolo and Michelle Griffin examined all registries to review a number of matters that had been pending for longer than 24 months. Since then action has been taken to bring those matters to conclusion. This process included an audit of such matters at the Melbourne Registry.

## Cultural Diversity

The Tribunal has continued to meet with the Department of Justice, Victorian Aboriginal Legal Service and Aboriginal Family Violence and Legal Service to discuss the implementation of a strategy to improve access to VOCAT for Aboriginal applicants.

## Community Engagement

VOCAT's engagement with and responsiveness to the community it serves have constituted a large focus during the period. Forging strong links with outside organisations is vital in order to maintain synergy and streamlined operations.

In response to the establishment of the Victims Assistance and Counselling Program (VACP) VOCAT Registrars joined VACP steering committees across Victoria and initiated a series of joint VOCAT/VACP counselling seminars, hosted by the Victims Support Agency (VSA). The counselling seminars were designed to deliver consistent information about VACP services and VOCAT counselling processes, while allowing for



*Principal Registrar Jan Dundon.*

local variation in both VOCAT practice and the VACP service delivery models.

The Principal Registrar and other VOCAT Registrars have a strong commitment to community awareness and have also made presentations to a number of other diverse groups and forums including:

- Aboriginal Forum on 17 August 2004;
- quarterly VSA forums;
- several Regional Aboriginal Justice Advisory Committee (RAJAC) workshops;
- Victoria Legal Aid;
- CASA regional meetings;
- Department of Human Services;
- Young Lawyers Southern Solicitors Group; and
- PILCH (Public Interest Law Clearing House) Conference.

VOCAT has further strengthened the working relationship with the VSA through regular monthly meetings. Refer to page 8 and 25 for more information.

# Principal Registrar's Report

## Increased Access

To increase access to the Tribunal, we continued to update our web site at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au), implementing a number of significant changes. Visitors to the site, including the general public, legal and health professionals and victims, can download all VOCAT forms for completion electronically, including the Application for Assistance, the Counselling Fee Invoice and the Application for Extension of Time. In addition, we revised the site to include VOCAT Annual Reports for the last four financial years.

Since July 2004 site visits have increased ten-fold, from 128 in July 2004 to 1,330 in June 2005. The top two downloaded forms for the financial year were the VOCAT Counsellors Qualifications Form and the VOCAT Information Guide.

## Revised Application for Assistance

Due to be launched on 1 October 2005, we revised the VOCAT Application for Assistance in a new format and style that captures relevant data to better serve applicants. Designed to go hand-in-hand with the application form, the revised Information Guide answers more of the frequently asked questions we receive. The guide is conveniently attached to the printed application forms and available on the web site. In the future these documents will enable VOCAT to better serve the community through improved identification of cultural and other relevant needs.

## Registrars' Conference

On 17 March 2005, we held a very successful Annual VOCAT Registrars' Conference. More than 40 Registrars attended the conference from across Victoria. Registrars participated in a number of relevant presentations, including subjects such as the Victims Register, and changes relating to Courtlink and trust awards.

## Acknowledgments

I wish to acknowledge the significant contribution of Principal Registrar Anthony Gwynne during the period of July to November 2004. In particular, I commend his work in delivering last year's Annual Report and his commitment to conducting presentations to various community groups. He has continued to be a source of invaluable information and support.

Diana Petrolo, Acting Senior Deputy Registrar from July 2004 to June 2005, did a remarkable job and proved to be an expert in this jurisdiction. I am particularly grateful for her support in all areas but, most notably, with regard to audits, IT development and statistics. Assisting Diana, Michelle Griffin performed tirelessly in conducting VOCAT audits across the State.

I congratulate the dedication and commitment of all VOCAT Registrars state wide, with particular thanks to our regional and suburban VOCAT Registrars for their coordination and development of VOCAT services and VACP relationships.



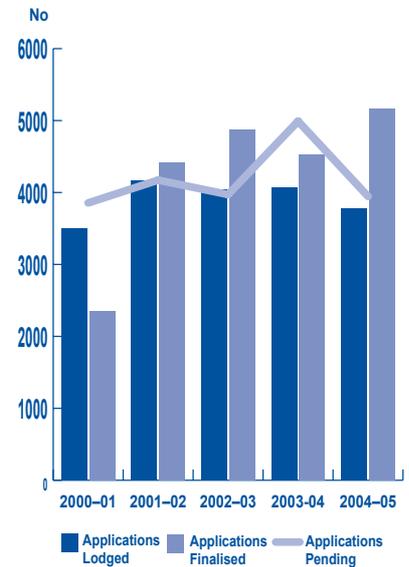
**Jan Dundon**  
Principal Registrar

# Our Performance



As staff of the Magistrates' Court, VOCAT staff are assigned to process applications as sensitively and expeditiously as possible. From left (foreground) Jason Morks, Jason Johnstone and Brendan Ahin; (background) Vaska Eftimoska, Principal Registrar Jan Dundon, Camilla Nooy and Irene Pitrelli.

1: Number of Applications Lodged, Finalised and Pending—2000–01 to 2004–05



## Applications Lodged

In 2004–05, applications lodged with the Tribunal totalled 3,772, compared with 4,075 in 2003–04, representing a decrease of 7.4% (303 applications).

## Applications Finalised

The Tribunal finalised 5,160 applications in 2004–05, compared with 4,525 in 2003–04, representing an increase of 14.0%. The increase in applications finalised was a result of audit activity. Audits of applications outstanding for 24 months or longer were conducted throughout July, August and September 2004 and April 2005. The audit resulted in the finalisation of 567 applications.

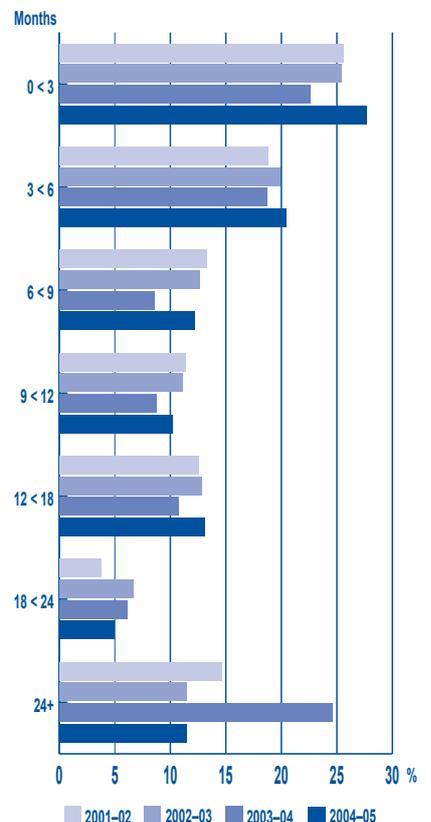
## Pending Applications

On 30 June 2005, pending applications awaiting determination totalled 3,946, compared with 4,991 applications pending on 30 June 2004. This outstanding result was due to audit activity over the period and represents a strong decrease of 20.9%.

Of the 3,946 pending applications:

- 48.1% had been pending for less than six months (41.3% in 2003–04);
- 22.4% had been pending for six to less than 12 months (17.3% in 2003–04); and
- 29.5% had been pending for 12 months or more (41.4% in 2003–04).

2: Age of Pending Applications—2001–02\* to 2004–05



\*Statistical data giving the percentage breakdown of cases by age of pending has only been available to the Tribunal since 2001–02.

# Our Performance

The number of applications pending for less than 12 months rose from 58.6% in 2003–04 to 70.5% in 2004–05. This favourable result is attributed to audit activities conducted throughout the reporting period.

## Outcome of Applications

Of the 5,160 applications finalised in 2004–05, 59.2% (3,055 applications) resulted in a final award being made. This result compares with 65.7% (2,974 applications) of the 4,525 applications finalised in 2003–04, representing a slight increase (81 applications) in the overall number of applications resulting in final awards.

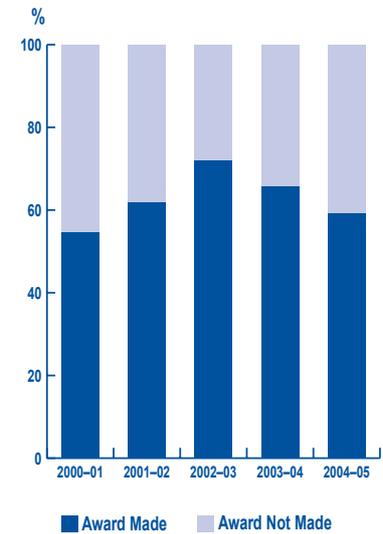
The majority of the final awards made by the Tribunal continued to be made under the VOCA Act, totalling 3,030 final awards (99.2%), compared with 2,954 final awards (99.3%) in 2003–04. Final awards made under the CIC Act totalled 25 final awards (0.8%), compared with 20 final awards (0.7%) in 2003–04.

Applications where the Tribunal made no award (40.8%) resulted in the following outcomes:

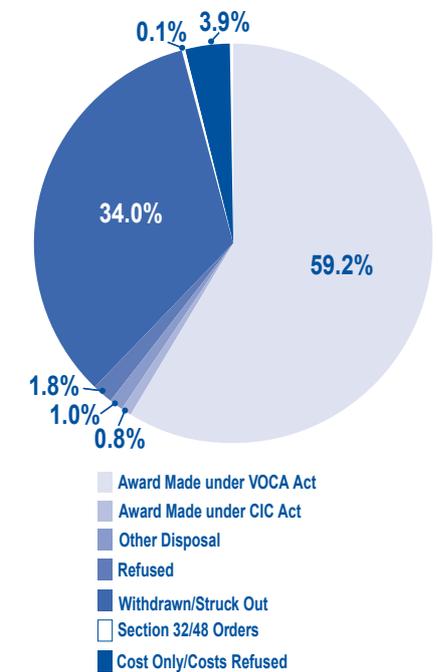
- 1.0% Other Disposal (1.3% in 2003–04).
- 1.8% Refused (3.4% in 2003–04).
- 34.0% Withdrawn/Struck Out\* (29.4% in 2003–04).
- 0.1% Section 32/48 Orders (0.1% in 2003–04).
- 3.9% Cost Only/Costs Refused.

The slight increase in the number of applications being finalised without award is attributed to audits conducted during the reporting period. All applications outstanding for 24 months or more were reviewed and, as a result of action taken, a number were finalised without award.

**3: Comparison of Awards Made and Not Made—2000–01 to 2004–05**



**4: Applications Finalised by Type of Outcome—2004–05**



For an explanation of terminology, refer to page 33.

\*Refer to footnote on page 4 regarding percentage value.

## Case Processing Times

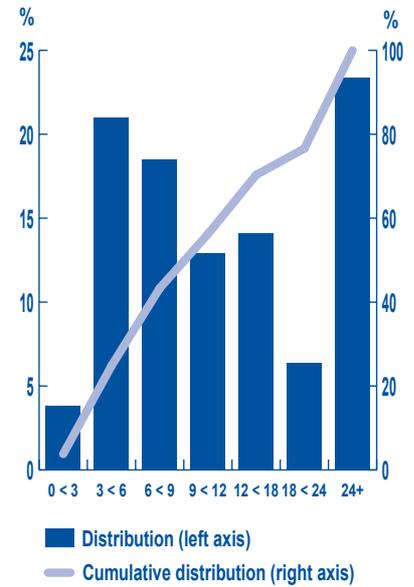
Of the 5,160 applications for assistance finalised in 2004–05, the Tribunal finalised 45.0% (2,321 applications) within nine months and 58.4% (3,011 applications) within 12 months of the application being lodged. These results compare with 43.8% within nine months (2,250 applications) and 56.0% within 12 months (2,536 applications) in 2003–04, resulting in percentage increases of 1.2% and 2.4%, respectively.

The Tribunal is required by the VOCA Act and by legal principles to have regard to certain matters when determining an application. A Tribunal Member may determine that it is appropriate to await the outcome of a police investigation or a criminal trial. The Tribunal Member may request that further enquiries be undertaken or that an alleged offender be notified of the proceedings.

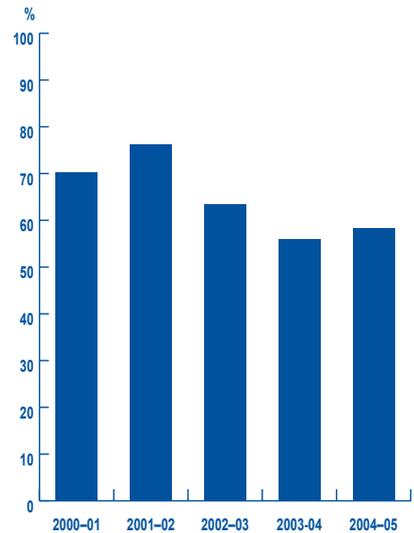
Injuries sustained by an applicant can require time to stabilise so that an accurate prognosis can be provided to the Tribunal Member. The trauma experienced by victims can impede their capacity to respond in a timely way to the requirements of the Tribunal. It is not always in the best interests of the applicant, nor in the interests of justice, to proceed quickly.

The Tribunal has demonstrated a capacity, in appropriate circumstances, to finalise applications when the applicant confirms his or her readiness. The Tribunal is able to respond to an applicant's urgent interim needs by way of interim awards of assistance.

**5: Case Processing Times for Finalised Applications (in Months)—2004–05**



**6: Proportion of Applications Finalised within 12 Months of Lodgment—2000–01 to 2004–05**



# Our Performance

## Final Awards Made

In 2004–05, VOCAT finalised 3,055 applications by way of final award, awarding a total of \$23,180,989 broken down into three categories, as follows:

- \$20,533,348\* in assistance under the VOCA Act (\$17,825,062 in 2003–04);
- \$293,407\* in compensation under the CIC Act (\$313,957 in 2003–04); and
- \$2,354,235\* in legal costs and disbursements (\$2,380,290 in 2003–04).

This result compares with 2,974 applications finalised by way of final award in 2003–04, totalling \$20,519,309, representing an increase in applications of 2.7% and monetary awards of 13.0%. VOCAT finalised 76 more applications where it made final awards and paid \$2,708,286 more for matters under the VOCA Act in 2004–05. For matters under the CIC Act the Tribunal finalised five more applications and awarded \$20,550 less in compensation.

## Amount Awarded—2004–05

Size	CCT		VOCAT	
	No.	%	No.	%
Under \$1,000	1	4.0	458	15.1
\$1,001–\$3,000	6	24.0	946	31.2
\$3,001–\$5,000	2	8.0	407	13.4
\$5,001–\$7,500	1	4.0	252	8.3
\$7,501–\$10,000	1	4.0	341	11.3
\$10,001–\$20,000	10	40.0	345	11.4
\$20,001–\$30,000	3	12.0	169	5.6
\$30,001–\$40,000	-	-	64	2.1
\$40,001–\$50,000	1	4.0	48	1.6
<b>Total</b>	<b>25</b>	<b>100.0</b>	<b>3,030</b>	<b>100.0</b>

\*Total of figures differs from previous paragraph due to rounding to nearest dollar amount.

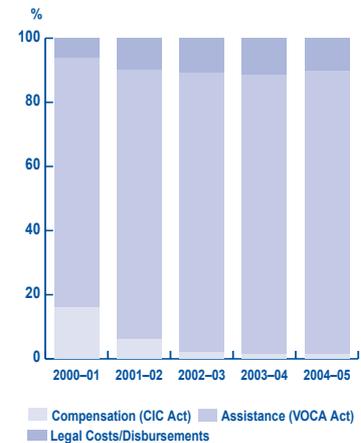
## Awards Made under VOCA Act

The \$20,533,348 awarded under the VOCA Act represented 3,030 applications finalised, compared with \$17,825,062 awarded for 2,954 applications in 2003–04, representing increases of 15.2% and 2.6%, respectively.

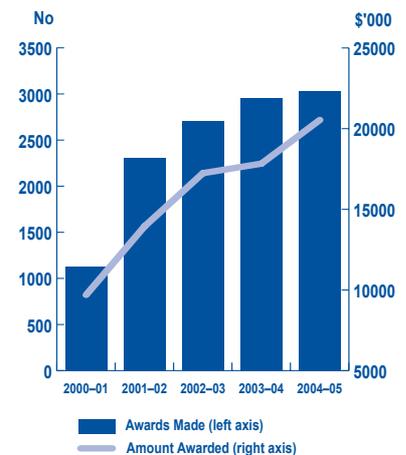
The following breakdown shows the amount of assistance awarded by category:

- 29.1% Special Financial Assistance (32.4% in 2003–04).
- 11.2% Pecuniary Loss (12.4% in 2003–04).
- 0.4% Dependency Loss (0.3% in 2003–04).
- 4.8% Medical Expenses (3.7% in 2003–04).
- 5.2% Counselling Expenses (3.4% in 2003–04).
- 0.9% Funeral Expenses (0.7% in 2003–04).
- 39.0% Distress (37.4% in 2003–04).
- 9.4% Other Expenses (9.7 in 2003–04).

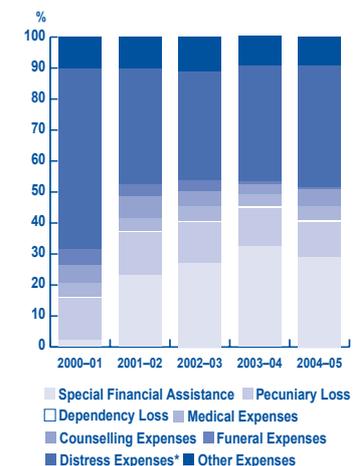
## 7: Distribution of All Final Awards Made—2000–01 to 2004–05



## 8: Number of Awards Made Compared with Total Amount Awarded under VOCA Act—2000–01 to 2004–05



## 9: Distribution of Total Amount of Awards Made under VOCA Act—2000–01 to 2004–05



\*Only available to related victims under section 13 (2)(c) of the VOCA Act.

The Tribunal made the majority of awards for special financial assistance and distress. Amounts in all categories are similar to the last financial year's results.

The following breakdown shows the amount of special financial assistance awarded by category (refer to page 28 for definitions of categories):

- 61.3% Category A (61.6% in 2003–04).
- 21.0% Category B (20.7% in 2003–04).
- 14.9% Category C (14.0% in 2003–04).
- 2.8% Category D (3.8% in 2003–04).

The majority of special financial assistance awarded related to Category A, involving the most serious offences such as sexual assault or attempted murder. (Refer to page 33 for a description of special financial assistance.)

### **Awards Made under CIC Act**

The \$293,407 in compensation awards made under the CIC Act related to 25 applications, compared with \$313,957 awarded for 20 applications in 2003–04. This result represents a decrease in monetary compensation of 6.5%\* and a 25.0% increase in applications. Compensation awards made will decrease as the Tribunal finalises more applications under the CIC Act.

The total of \$293,407 in compensation awards is broken down as follows:

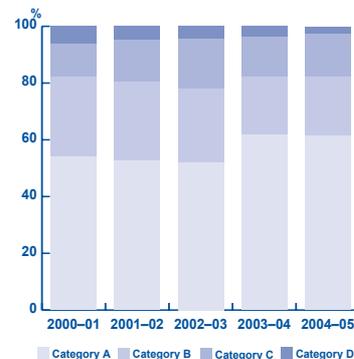
- 75.2% Pain and Suffering (83.0% in 2003–04).
- 10.4% Pecuniary Loss (6.1% in 2003–04).
- 7.2% Medical Expenses (5.3% in 2003–04).
- 5.1% Counselling Expenses (2.1% in 2003–04).
- 2.1% Other Expenses (3.5% in 2003–04).

The vast majority of compensation awards (75.2%) continued to be made for pain and suffering, compared with 83.0% of awards in 2003–04.

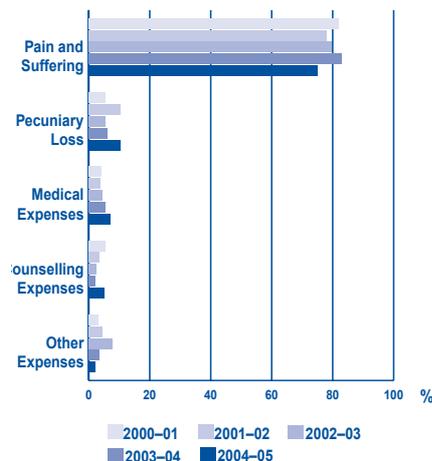
### **Awards made for Legal Costs and Disbursements**

During 2004–05 the Tribunal awarded \$2,354,235 in legal costs and disbursements at final hearing, compared with \$2,380,290 in 2003–04, representing a 1.1% decrease. Many applications involved complex issues that required legal representation, incurring associated legal costs. A Tribunal Member has discretion to award legal practitioners costs for assisting applicants with their claims.

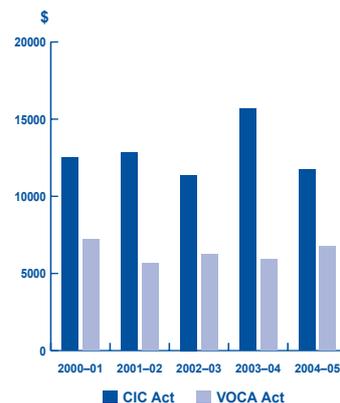
**10:** Distribution of Special Financial Assistance Awarded by Category—2000–01 to 2004–05



**11:** Amount of Compensation Awards Made under CIC Act by Category—2000–01 to 2004–05



**12:** Average Amount Awarded per Finalised Application\* under VOCA Act and CIC Act—2000–01 to 2004–05



\*Average amount awarded per finalised application excludes legal costs and disbursements.

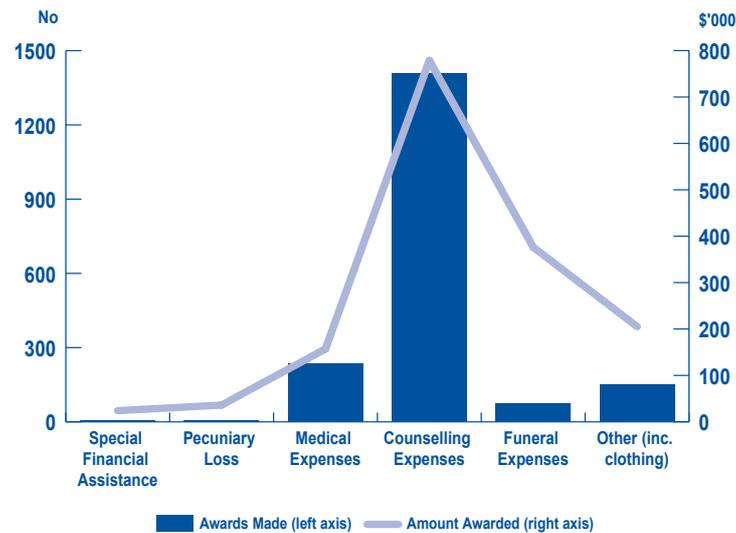
\*Refer to footnote page 4 regarding percentage value.

# Our Performance

## Interim and Variation Awards Made

The statistical and financial information for interim awards and variations demonstrates the large number of orders made by VOCAT both prior to, and subsequent to, the final award being made in applications to the Tribunal. This information reflects the amount of work performed by the Tribunal, both by Registrars and Tribunal Members.

**13:** Number of Interim Awards Made under VOCA Act Compared with Total Amount Awarded by Category—2004–05

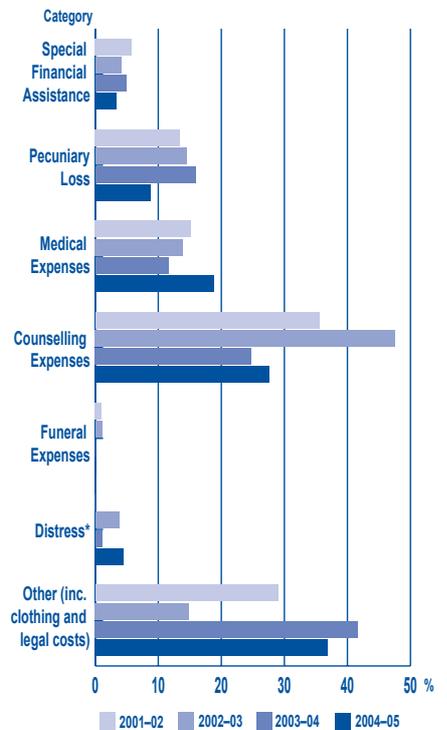


## Interim Awards

An interim award is any award of assistance made by the Tribunal before the final determination of an application and provides earlier access to treatment for victims. Both Tribunal Members and Deputy Registrars can make interim awards. Deputy Registrars can make interim awards in certain circumstances up to an amount of \$1,000.

During the financial year, VOCAT increased both the number and amount of interim awards made by 8.3% and 21.0%, respectively. During 2004–05, Tribunal Members and Deputy Registrars awarded a total of \$1,577,547 for 1,657 interim

**14:** Percentage of Total Amount of Variation Awards Made by Category—2004–05



## Interim Assistance Orders Awarded by Category under VOCA Act—2004–05

Number of Interim Orders	2004–05		2003–04		Amount of Interim Assistance	2004–05		2003–04	
	No.	%	No.	%		\$	%	\$	%
Special Financial Assistance	5	0.4	8	0.5	Special Financial Assistance	24,000	1.5	21,500	1.7
Pecuniary Loss	8	0.4	8	0.5	Pecuniary Loss	36,079	2.3	49,311	3.8
Medical Expenses	236	12.5	168	11.0	Medical Expenses	157,169	10.0	103,200	7.9
Counselling Expenses	1,407	74.7	1,016	66.4	Counselling Expenses	778,837	49.4	360,689	27.7
Funeral Expenses	74	3.9	79	5.2	Funeral Expenses	376,356	23.8	468,462	35.9
Distress*	-	-	7	0.5	Distress*	-	-	77,500	5.9
Other Expenses	153	8.1	244	15.9	Other Expenses	205,106	13.0	223,143	17.1
<b>Total</b>	<b>1,883<sup>#</sup></b>	<b>100.0</b>	<b>1,530</b>	<b>100.0</b>	<b>Total</b>	<b>1,577,547</b>	<b>100.0</b>	<b>1,303,805</b>	<b>100.0</b>

\*Awards for 'Distress' are only available to 'Related Victims' pursuant to Section 13 (2)(c) of the VOCA Act. <sup>#</sup>An award may comprise multiple orders.

assistance awards under the VOCA Act (\$1,303,805 for 1,530 orders in 2003–04). The highest number of interim assistance orders related to counselling expenses, totalling 1,407 (1,016 in 2003–04) and attracted the highest monetary value, amounting to \$778,837 (\$360,689 in 2003–04). Awards may comprise multiple orders (see page 16).

### Variation Awards

A variation award is any further award made by the Tribunal upon application by a person to whom an award of assistance has been already made. Variation awards can only be made by Tribunal Members. During 2004–05, Tribunal Members awarded a total of \$2,552,539 for 2,815 variation applications granted (2,704 under the VOCA Act and 111

under the CIC Act as shown in the table below). This result compares with \$2,237,482 awarded for 2,660 variation applications granted in 2003–04—an increase of 14.1% in amounts awarded and a 5.8% increase in the number of awards granted. Tribunal Members refused a total of 33 applications, including 29 applications under the VOCA Act and four applications under the CIC Act.

## Number of Variation Applications Granted and Refused—2004–05

Number of Variation Applications Granted	2004–05		2003–04		Number of Variation Applications Refused	2004–05		2003–04	
	No.	%	No.	%		No.	%	No.	%
CIC Act	111	3.9	58	2.2	CIC Act	4	12.1	2	14.3
VOCA Act	2,704	96.1	2,602	97.8	VOCA Act	29	87.9	12	85.7
<b>Total</b>	<b>2,815</b>	<b>100.0</b>	<b>2,660</b>	<b>100.0</b>	<b>Total</b>	<b>33</b>	<b>100.0</b>	<b>14</b>	<b>100.0</b>

## Amount of Variation Assistance Awarded by Category under VOCA Act—2001–02 to 2004–05

Category	2004–05		2003–04		2002–03		2001–02	
	\$	%	\$	%	\$	%	\$	%
Special Financial Assistance	87,343	3.4	106,000	4.9	87,250	4.1	111,850	5.8
Pecuniary Loss	217,542	8.7	347,404	15.9	306,925	14.5	259,928	13.4
Medical Expenses	473,792	18.9	252,471	11.6	293,265	13.9	295,653	15.2
Counselling Expenses	690,168	27.6	541,309	24.8	1,005,950	47.6	689,653	35.5
Funeral Expenses	1,628	0.1	-	0.0	23,544	1.1	20,275	1.0
Distress*	109,650	4.4	25,000	1.1	80,000	3.8	-	0.0
Other Expenses (inc. clothing and legal costs)	923,915	36.9	908,108	41.7	314,375	14.9	562,890	29.0
<b>Total</b>	<b>2,504,038</b>	<b>100.0</b>	<b>2,180,292</b>	<b>100.0</b>	<b>2,111,309</b>	<b>100.0</b>	<b>1,940,249</b>	<b>100.0</b>

## Amount of Variation Assistance Awarded by Category under CIC Act—2001–02 to 2004–05

Category	2004–05		2003–04		2002–03		2001–02	
	\$	%	\$	%	\$	%	\$	%
Pain and Suffering	-	-	-	-	24,052	9.2	11,000	3.3
Pecuniary Loss	-	-	-	-	73,485	28.1	1,897	0.6
Medical Expenses	10,434	21.5	18,458	32.3	51,419	19.6	80,023	27.0
Counselling Expenses	25,246	52.1	7,733	13.5	51,691	19.8	130,698	39.7
Other Expenses	12,821	26.4	30,999	54.2	60,995	23.3	96,821	29.4
<b>Total</b>	<b>48,501</b>	<b>100.0</b>	<b>57,190</b>	<b>100.0</b>	<b>261,642</b>	<b>100.0</b>	<b>329,439</b>	<b>100.0</b>

\*Awards for 'Distress' are only available to 'Related Victims' pursuant to Section 13 (2)(c) of the VOCA Act.

# Our Performance

## All Awards Made

During 2004–05, the Tribunal awarded a total of \$27,400,060 (\$24,109,695\* in 2003–04) representing a total of 7,527 final awards, interim awards and variations under the VOCA Act and CIC Act (7,164 in 2003–04). Refer to the table on page 18 for a breakdown of awards by type and category of assistance.

## Awards Held in Trust

During 2004–05, the Tribunal made 375 awards to be held in Trust on behalf of crime victims, compared with 362 awards in 2003–04, representing an increase of 3.6% (13 awards).

On 30 June 2005:

- 405 awards were held in Trust on behalf of victims, compared with 2,460 on 30 June 2004, representing a decrease of 83.5% (2,055 awards).

- The Tribunal invested in Trust \$4,721,473 in relation to the 405 awards held in Trust, compared with \$25,287,755 in 2003–04 in relation to 2,460 awards, representing a decrease of 81.3% (\$20,566,282).
- The amount of awards invested in Trust earned \$741,221 in interest during 2004–05, compared with \$1,266,856 in 2003–04, representing a decrease of 41.5% (\$525,635).

The Tribunal orders that awards be held in trust for minors and persons who, in the opinion of the Tribunal, are unable to administer their own finances, as directed by the Tribunal Member. Most amounts held in Trust relate to children under the age of 18 years.

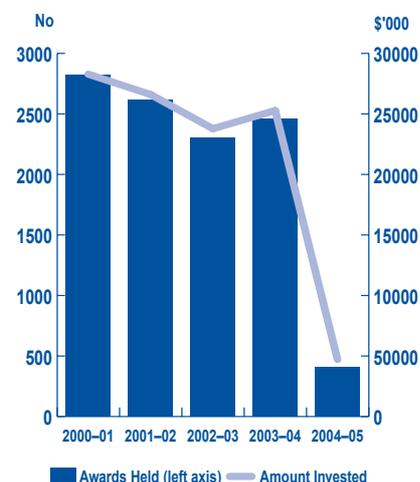
Effective 1 July 2004, the *Courts Legislation (Funds in Court) Act 2004* required that any moneys paid to VOCAT for a person under a disability be transferred to the Senior Master of the Supreme Court.

\*The 2003–04 figure was changed to reflect enhancements in performance reporting. Variations between the award payments shown in the Magistrates' Court Annual Report and the VOCAT Annual Report represent differences in the counting methodology. The Magistrates' Court lists actual payments processed as compared to VOCAT which lists awards made.

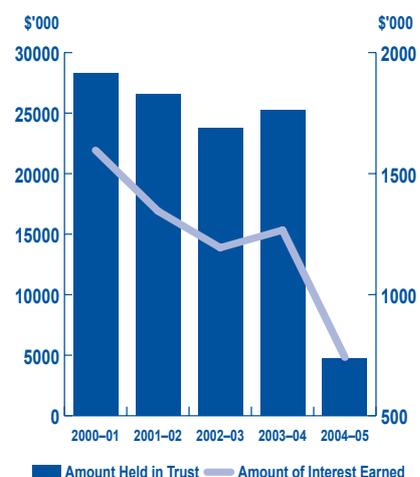
## Type of Award—2004–05

	Interim \$	Final \$	Variation \$	Review by VCAT \$	Unspecified \$	Total \$
Special Financial Assistance	24,000.00	5,967,975.00	87,342.95	27,959.55	0.00	6,107,277.50
Pain and Suffering	0.00	220,700.00	0.00	0.00	0.00	220,700.00
Pecuniary Loss	36,079.50	2,333,792.48	217,542.06	0.00	0.00	2,587,414.04
Medical Expenses	157,169.34	1,003,096.08	484,225.86	0.00	0.00	1,644,491.28
Counselling Expenses	778,836.83	1,063,981.35	715,413.18	0.00	0.00	2,558,231.36
Funeral Expenses	376,355.54	191,704.52	1,628.00	0.00	0.00	569,688.06
Distress	0.00	8,011,813.37	109,650.00	0.00	0.00	8,121,463.37
Dependency	0.00	91,106.85	0.00	0.00	0.00	91,106.85
Other (inc clothing)	205,106.13	1,942,584.83	860,220.91	0.00	0.00	3,007,911.87
Costs only	0.00	0.00	0.00	0.00	61,024.98	61,024.98
Legal Costs	0.00	2,354,234.90	76,515.54	0.00	0.00	2,430,750.44
<b>Total</b>	<b>1,577,547.34</b>	<b>23,180,989.38</b>	<b>2,552,538.50</b>	<b>27,959.55</b>	<b>61,024.98</b>	<b>27,400,059.75</b>

15: Number of Awards Held in Trust Compared with Amount Invested at 30 June—2000–01 to 2004–05



16: Comparison of Amount Invested in Trust and Interest Earned at 30 June—2000–01 to 2004–05



The legislation defines a 'person under disability' as:

- (a) a minor (person under the age of 18); or
- (b) a person who is incapable, by reason of injury, disease, senility, illness or physical or mental infirmity, of managing his or her affairs in relation to the proceeding.

The Senior Master's Office of the Supreme Court administers these funds, including applications for release of part or all of the moneys invested. Only VOCAT can determine applications for variation.

The transfer of existing trust funds was completed in May 2005. VOCAT will continue to administer trust funds held for applicants above the age of 18 at the time the legislation changed.

## Reviews Made to Victorian Civil and Administrative Tribunal (VCAT)

When an applicant is dissatisfied with a decision or order of the Tribunal, he or she may apply to VCAT for a review of the decision. The Act entitles applicants to an appeal *de novo* (re-hearing) which allows them to present new evidence. Applicants do not have to prove that VOCAT made an error in law.

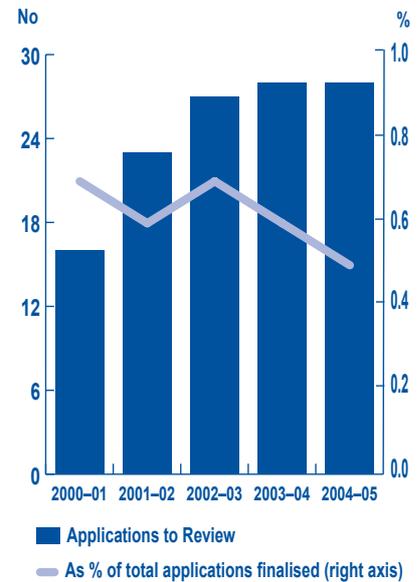
In 2004–05, VCAT determined a total of 28 reviews of VOCAT decisions—the same number as in 2003–04. This result is consistent with the trend experienced over the previous three financial years.

The number of applications for review finalised at VCAT comprised the following outcomes:

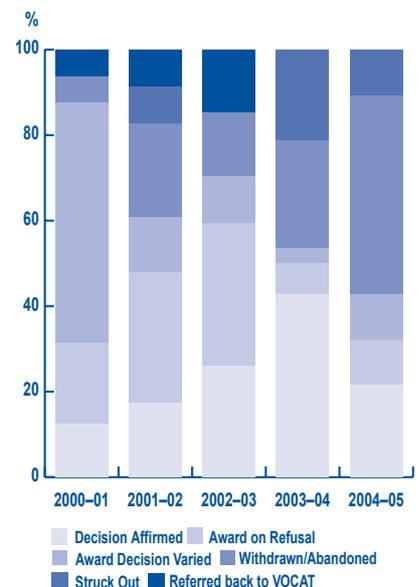
- 21.5% decision affirmed and appeal dismissed, meaning VCAT confirmed the original VOCAT award (42.9% in 2003–04).
- 10.7% award on refusal, meaning VCAT overturned VOCAT's decision to refuse an award (7.1% in 2003–04).
- 10.7% award decision varied, meaning VCAT varied the original VOCAT award (3.6% in 2003–04).
- 46.4% withdrawn/abandoned by applicant (25.0% in 2003–04).
- 10.7% struck out (21.4% in 2003–04).
- nil referred back to VOCAT (nil in 2003–04).

While the results show some variation in percentages when compared with the previous financial year, the number of reviews to VCAT remained minimal, representing only 0.5% of applications finalised by VOCAT in 2004–05 (0.6% in 2003–04).

**19:** Number of Reviews Finalised and as a Proportion of Total Applications Finalised—2000–01 to 2004–05



**20:** Percentage of Review Applications Finalised by Type of Outcome—2000–01 to 2004–05



# Our Performance

## Victim Profile

The following information relates to categories and demographic details regarding victims assisted by the Tribunal. Refer to page 27 for more information about victim categories.

### Victim Categories

The majority of final awards made under the VOCA Act related to the categories of primary victims, followed by related victims, secondary victims and Section 15 funeral expenses.

The following breakdown shows the percentage of awards made by victim category in 2004–05:

- 78.8% Primary Victims (80.7% in 2003–04).
- 6.6% Secondary Victims (6.2% in 2003–04).
- 14.5% Related Victims (13.1% in 2003–04).
- 0.0% Section 15 Funeral Expenses\* (0.0% in 2003–04).

Of the 3,030 awards made in 2004–05, 2,388 awards were made in relation to primary victims, compared with 2,385 awards in 2003–04. This result represents a slight rise of three cases (0.1%).

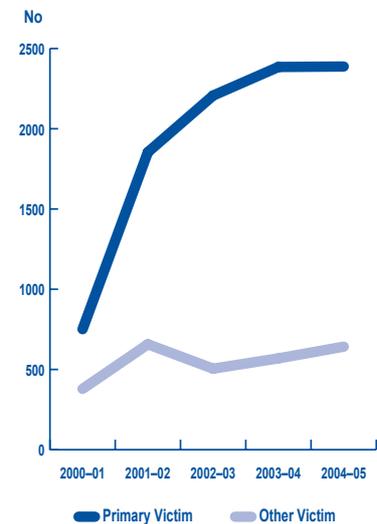
The total number of awards made by the Tribunal excludes 'Other Disposals' made under the VOCA Act in cases where no final award had been made; therefore, they do not fit into any particular victim category.

### Gender of Victims

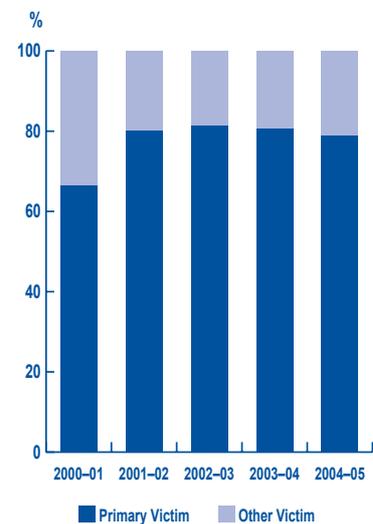
Of the awards made under the VOCA Act and CIC Act during 2004–05:

- 50.7% (1,561<sup>#</sup> awards) related to male victims, compared with 50.9% male (1,545 awards) in 2003–04; and
- 49.3% (1,521<sup>#</sup> awards) related to female victims, compared with 48.8% female (1,480 awards) in 2003–04.

17: Number of Final Awards Made under VOCA Act by Victim Category—2000–01 to 2004–05



18: Percentage of Final Awards Made under VOCA Act by Victim Category—2000–01 to 2004–05



\*The results for Section 15 Funeral Expenses were less than 0.1%.

<sup>#</sup>Some applications may involve more than one finalisation.

Nine awards related to applications where the gender had not been specified, compared with eight awards in 2003–04.

The majority of victims continued to be male, although the percentages between male and female victims were very evenly spread during the reporting year.

### Age of Victims

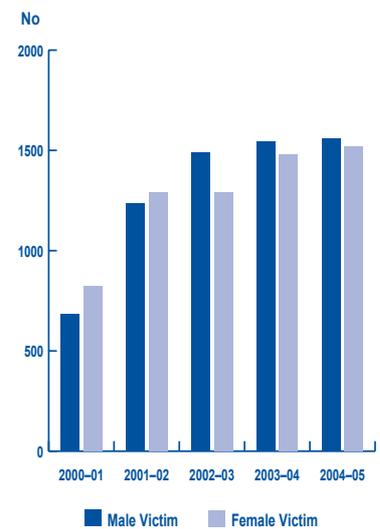
Awards made under the VOCA Act and CIC Act during 2004–05 involved, at the time the act of violence occurred, persons of the following ages:

- 25.3% 18 years or less (25.9% in 2003–04).
- 15.5% 19 to 25 years (15.6% in 2003–04).

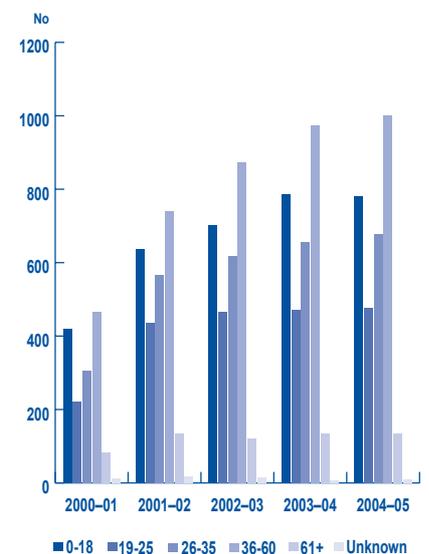
- 22.0% 26 to 35 years (21.7% in 2003–04).
- 32.5% 36 to 60 years (32.1% in 2003–04).
- 4.4% 61 years or more (4.4% in 2003–04).
- 0.3% age unknown (0.3% in 2003–04).

The majority of victims (62.8%) continued to be aged 35 years or younger, representing a slight decrease compared with 63.2% in 2003–04.

**21:** Number of Finalised Applications where an Award was Made by Gender of Victim—2000–01 to 2004–05



**22:** Number of Finalised Applications where an Award was Made by Age of Victim in Years—2000–01 to 2004–05



# Case Study: Man Seriously Assaulted

The police attended the scene of a 45-year-old male who had been seriously assaulted and rendered unconscious in suburban Melbourne. An ambulance team treated the victim at the scene and he was taken to hospital in a critical condition.

A social worker attached to the trauma unit at the hospital contacted the Victoria Police Victim Advisory Unit for advice. The victim's immediate need for counselling and other assistance concerned her. With the assistance of the Victim Advisory Unit the victim completed a VOCAT application form and sent it to his local Magistrates' Court. In addition, the victim was provided with information on the Victims Assistance and Counselling Program (VACP) and urged to contact them for ongoing assistance.

Upon registration the Tribunal wrote directly to the informant to obtain the police brief, as well as the criminal records branch to request the criminal history of both the applicant and the alleged offenders.

Within days of the application being registered VOCAT received a request from VACP seeking an urgent interim award to assist the victim with ongoing medical expenses, medical supplies and Royal District Nursing costs. Given the request was for amounts under \$1,000 and the initial police material was on file, a Deputy Registrar considered the items for payment. The Registrar was satisfied that an Interim Award should be made directly to the Royal District Nursing Service, Mediquip and the applicant. Cheques were forwarded shortly thereafter. In addition, VOCAT received a further request for urgent dental treatment. This request was immediately referred to a Tribunal Member for consideration since the amount sought exceeded the Registrar's powers. The application was also granted.

The Tribunal gave the applicant four months to file all supporting documentation. During the four-month period the Tribunal anticipated that the police informant would file the police brief. The Tribunal continued to check on the progress of the criminal proceedings against the offenders both through Courtlink and the informant.

The Tribunal was notified in writing by solicitors that they acted on behalf of the victim. The Tribunal forwarded the solicitors a copy of all material filed to that point, including a copy of the victim's initial application to the Tribunal.

Two months after registration of the VOCAT application the solicitors advised the Tribunal in writing of their readiness to proceed to determination and filed medical material and a statement of claim, indicating all expenses payable. The file was referred to a Tribunal Member.

The Tribunal Member considered the material before him. He was informed that the applicant was raped and severely physically assaulted by two offenders and that the assault was extreme in nature. The applicant lost consciousness during the attack. Major surgery was performed in order to treat the applicant's life-threatening physical injuries. The applicant also sustained psychological injuries as a result of the act of violence. The treating psychologist diagnosed Chronic Post-traumatic Stress Disorder and a Major Depressive Disorder.

The Tribunal Member advised that he was satisfied on the balance of probabilities from the material provided, including the police brief, that an act of violence had occurred and the victim had been injured as a direct result of this act. He advised that, given the offenders admissions and the severity of the victim's injuries, the matter may proceed.

He also determined that it was an appropriate application to be dealt with in the absence of the victim pursuant to section 33 of the VOCA Act.

The Tribunal advised the victim in writing, via the solicitor, that he had read all of the material filed and that the application could be finalised without an attendance or the appearance of a legal representative. The Tribunal Member also indicated, on the basis of the material filed, his proposed award. In addition the applicant was advised of the right to attend the Tribunal for a determination of the award.

The victim requested the application be determined without his attendance at the Tribunal. The award included a cover payment for an amount of Special Financial Assistance and all items detailed in the statement of claim, including ongoing counselling with the VACP. In addition, pursuant to section 8(3) of the Act, the victim was awarded a family holiday to assist with the victim's recovery from the act of violence.

The application was formally finalised four months after the act of violence. The applicant and all service providers were notified in writing of the award details and cheques were forwarded within a couple of weeks of the determination date. The victim was also advised in writing that a variation application may be made to the award for a period of up to six years from the date the application was finalised.

# Tribunal Governance

The Victims of Crime Assistance Tribunal (VOCAT) was created by the *Victims of Crime Assistance Act 1996* (VOCA Act). This statement describes key details about VOCAT's governance policies, as follows.

## Composition of the Tribunal

The Tribunal is constituted by a single Tribunal Member. The Chief Magistrate has the responsibility for arranging the business of the Tribunal.

## Tribunal Members

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

## Governing Committee

The VOCAT Coordinating Committee meets monthly to discuss issues, procedures and protocols relating to the operations of the Tribunal and is responsible for:

- leadership with regard to implementing legislative change;
- initiating and overseeing procedures to enhance operational efficiency;
- promotion of consistency in the application of legislation, processes and procedures; and
- development of mutually-beneficial relationships with outside organisations.

Each month all Magistrates receive a copy of the minutes of each Committee meeting.

In 2004–05, the Committee comprised both Magistrates and Registrars, as follows:

- Felicity Broughton, VOCAT Supervising Magistrate (until December 2004);
- Susan Wakeling, VOCAT Supervising Magistrate (from January 2005);
- Dan Muling, Deputy Chief Magistrate; and
- Magistrates Duncan Reynolds, Tom Barrett, Jane Patrick and Audrey Jamieson.

The Registrars of the Committee were represented by:

- Anthony Gwynne, Principal Registrar (until October 2004);
- Jan Dundon, Principal Registrar (from November 2004); and
- Diana Petrolo, Deputy Registrar.

Committee members consider a number of matters with respect to both the role of the Magistrates and the administrative role of the Registrars, which may result in:

- Practice Directions or guidelines issued by the Chief Magistrate;
- enhancements to the VOCAT Courtlink computer system; and
- changes to the practices and procedures of the Tribunal to enhance its operation and efficiency.

# Tribunal Administration

## Tribunal Staff

The Tribunal is made up of the Principal Registrar, 16 Deputy Registrars, four Trainee Registrars, and any other number of Deputy Registrars and administrative staff that may assist from time-to-time.

The Deputy Registrars and Trainee Registrars comprise the permanent staff of the Magistrates' Court assigned to perform the work of the Tribunal.

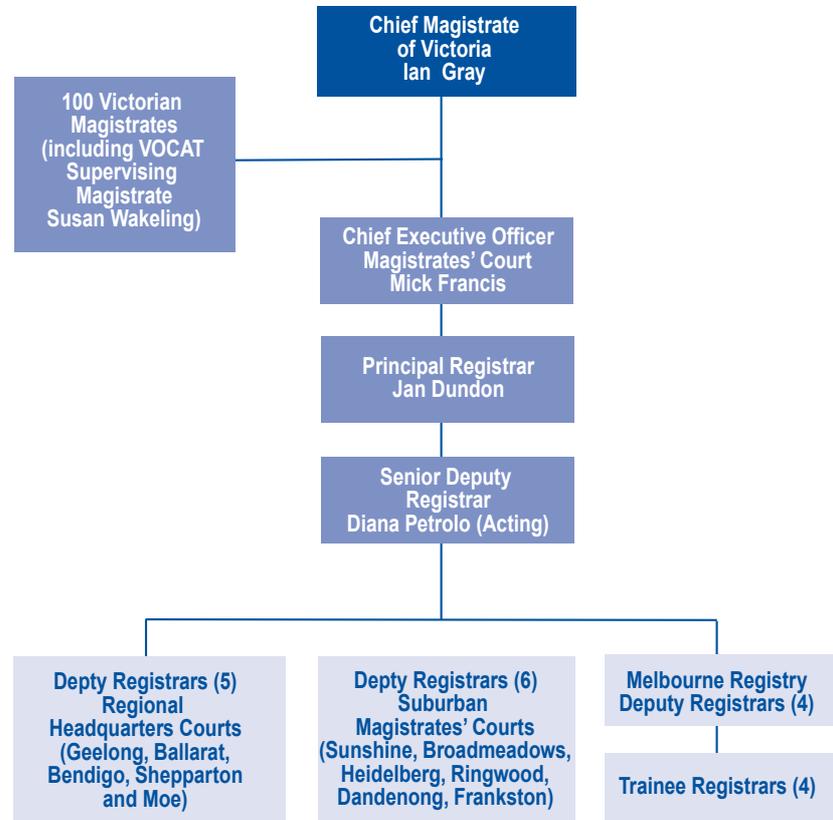
The Principal Registry at Melbourne comprises the Principal Registrar (VPS-6), the Senior Deputy Registrar (VPS-4), five Deputy Registrars (VPS-3) and four Trainee Registrars (VPS-2).

A Deputy Registrar (VPS-3) has a specialised VOCAT position at the following suburban and country locations:

- Sunshine
- Broadmeadows
- Heidelberg
- Ringwood
- Dandenong
- Frankston
- Geelong
- Ballarat
- Bendigo
- Shepparton
- Moe

All other Magistrates' Courts in Victoria have Deputy Registrars who process VOCAT applications and have a knowledge of the legislation and practices and procedures.

## Organisational Structure as at 30 June 2005



# Community Relationships

VOCAT plays an important role in the area of victims' services in Victoria. At VOCAT, we aim to address the physical and psychological needs of a victim of crime by ensuring that appropriate services are available to expeditiously assist the victim's recovery. Procedures within the criminal justice system must provide a quick and economical means for the redress of harm suffered as a result of the crime committed against them and ensure that services provided by the State to victims of crime are affordable to the citizens of Victoria.

As an important part of achieving these objectives, VOCAT aims to expand its focus on building and maintaining mutually-rewarding community relationships. In doing so, it maintains a coordinated and streamlined approach to operations with regard to its links with outside organisations that assist victims of crime.

## Victims Assistance and Counselling Program

The Victims Support Agency (VSA) funds a network of Victims Assistance and Counselling Programs (VACPs) throughout metropolitan Melbourne and regional Victoria. These programs provide immediate crisis response to victims of crime, as well as access to counselling, ongoing practical support, court support and coordination of specialist support groups.

## Monthly Meetings

Representatives from VOCAT and the VSA meet on a monthly basis to discuss issues of importance in the operation of the Tribunal. During 2004–05 topics



Representatives from VOCAT and the VSA meet on a monthly basis to discuss issues of importance. From left—Director Victims Support Agency Colleen Pearce, Policy and Project Officer James McInnes, Supervising Magistrate Susan Wakeling, Principal Registrar Jan Dundon and Manager Policy and Strategic Projects Suzanne Whiting.

discussed in these meetings included the proposed Charter of Victims Rights, a review of counselling fees and the development of a counselling benchmarks discussion paper.

## Tribunal Seminars

To assist the Tribunal in achieving its objectives and providing the highest possible level of service to victims and court users, we conduct seminars and forums in both local and regional centres. We aim to enhance the local community's role in assisting victims to recover and to discuss issues and concerns arising out of each local community's interaction with the Tribunal.

In conjunction with the Victims Support Agency, we conducted a number of forums to promote the Tribunal and its role in assisting victims of crime.

We held seminars in Melbourne and in regional centres throughout the State, as follows:

- Wangaratta and Wodonga on 4 May 2005.
  - Shepparton on 5 May 2005.
  - Ballarat on 27 June 2005.
  - Broadmeadows on 29 June 2005.
- We plan to hold seminars at the following locations:
- Bendigo on 7 July 2005.
  - Heidelberg on 12 July 2005.
  - Dandenong on 13 July 2005.
  - Ringwood on 21 July 2005
  - Moe on 22 July 2005
  - Frankston and Mildura on 26 July 2005.
  - Warrnambool on 17 August 2005.

We presented the forums to VOCAT service providers in the local communities, such as psychologists, counsellors, social workers and solicitors.

# Operating Statement

The Victorian Government allocates VOCAT a budget each financial year. The Tribunal is required to assign a percentage of this budget to the operating costs and associated expenses incurred, such as salaries, office equipment, stationery, training courses and property utilities.

The salaries and operating costs for the period 2000–01 to 2004–05, and the operating statement for 2003–04 and 2004–05 is presented below.

## Salaries and Operating Costs—2000–01 to 2004–05

	2004–05	2003–04	2002–03	2001–02	2000–01
Salaries and Operating Costs	\$1,713,753	\$1,756,263	\$1,560,800	\$1,386,807	\$1,241,949

## Operating Statement for the Years Ended 2002–03 and 2003–04

	2004–05		2003–04	
	Budget	Actual	Budget	Actual
<b>SPECIAL APPROPRIATIONS</b>	\$	\$	\$	\$
Operating Expenses				
Salaries	1,057,000	969,770	1,001,000	1,022,327
Overtime	-	-	-	-
<b>Total Salaries and Overtime</b>	<b>1,057,000</b>	<b>969,770</b>	<b>1,001,000</b>	<b>1,022,327</b>
WorkCover	8,000	8,758	12,000	7,423
Provision for Long Service Leave	35,000	38,327	40,000	18,337
Payroll Tax	53,000	54,567	50,000	52,599
Fringe Benefits Tax	-	81	-	998
Superannuation	90,000	90,289	78,000	96,245
<b>Total Subsidiary Salary Costs</b>	<b>186,000</b>	<b>192,022</b>	<b>180,000</b>	<b>175,602</b>
Travel, Entertainment and Personal Expenses	12,000	5,162	12,000	20,980
Printing, Stationery and Office Requisites	89,000	92,699	63,000	50,299
Postage and Communication Expenses	25,000	66,105	55,000	55,164
Contractors, Consultants and Professionals	168,000	197,439	168,000	163,340
Training and Development	6,000	3,088	6,000	1,663
Motor Vehicle Expenses	7,000	5,332	7,000	7,009
Other Operating Expenses	3,000	8,006	3,000	5,055
Jury, Witness and Award Payments	500	387	-	318
Information Technology	74,500	74,935	168,000	169,109
Urgent and Essential Works	-	-	-	-
Rent and Property Services	59,000	61,600	59,000	60,378
Property Utilities	31,000	32,805	11,000	11,751
Maintenance	5,000	4,403	20,000	13,268
<b>Total Operating Expenditure</b>	<b>480,000</b>	<b>551,961</b>	<b>572,000</b>	<b>558,334</b>
<b>Total Salaries and Operating Expenditure</b>	<b>1,723,000</b>	<b>1,713,753</b>	<b>1,753,000</b>	<b>1,756,263</b>

# Categories of Assistance and Entitlements

The following table details categories of victims of crime and assistance that may be awarded in relation to each victim category under the VOCA Act.

Category	Criteria	Amount of Assistance	Type of Assistance
<b>Primary Victim</b>	<p>A person who is injured or dies as a direct result of an act of violence committed against him/her.</p> <p>A person is also a primary victim if he/she is injured as a direct result of:</p> <ul style="list-style-type: none"> <li>trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence; or</li> <li>trying to prevent the commission of the act of violence; or</li> <li>trying to aid or rescue someone whom he or she believes on reasonable grounds is a victim of an act of violence—whether or not an act of violence is actually committed.</li> </ul>	<p>Up to \$60,000 <b>plus</b> up to \$7,500 in special financial assistance</p>	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>special financial assistance;</li> <li>counselling;</li> <li>medical expenses;</li> <li>up to \$20,000 loss of earnings;</li> <li>damage to clothing; and</li> <li>in exceptional circumstances, 'other' expenses to assist in the recovery of the victim.</li> </ul>
<b>Secondary Victim</b>	<p>A person who is present at the scene of an act of violence and injured as a direct result of witnessing the act.</p> <p>A person is also a secondary victim if he/she is injured as a direct result of becoming aware of an act of violence and is the parent/guardian of a primary victim under 18 years of age.</p>	<p>Up to \$50,000</p>	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>counselling;</li> <li>medical expenses;</li> <li>in exceptional circumstances, loss of earnings up to \$20,000; and</li> <li>in exceptional circumstances, 'other' expenses to assist in the recovery of the victim.</li> </ul> <p>In exceptional circumstances where the secondary victim is under 18 years of age and has witnessed an act of violence upon certain family members, or the parent or guardian of a primary victim under 18 years of age who has become aware of the act of violence, the Tribunal may award other reasonable expenses to assist in the recovery of the applicant.</p>
<b>Related Victim</b>	<p>A person who, at the time of the act of violence:</p> <ul style="list-style-type: none"> <li>was a close family member of;</li> <li>was a dependent of; or</li> <li>had an intimate personal relationship with the primary victim who has died as a result of the act of violence.</li> </ul> <p>Related victims are not required to suffer an injury to be entitled to assistance.</p>	<p>Up to \$50,000 for any one related victim <b>but</b> cumulative amount of \$100,000 for all related victims in total.</p>	<p>Consisting of:</p> <ul style="list-style-type: none"> <li>counselling;</li> <li>medical expenses;</li> <li>funeral expenses;</li> <li>distress (lump sum payments);</li> <li>dependency; and</li> <li>in exceptional circumstances, 'other' expenses to assist in the recovery of the victim.</li> </ul>
<b>Section 15: Assistance for Funeral Expenses</b>	<p>A person who has incurred funeral expenses as a result of the death of a primary victim and who is not a related victim.</p>		<p>Consisting of funeral expenses.</p>

# Categories of Special Financial Assistance

The following table presents the four categories of special financial assistance that may be awarded by the Tribunal under the *Victims of Crime Assistance Act 1996*, the acts of violence relevant to each category and the minimum/maximum amounts that may be awarded.

Category	Acts of Violence and Classes of Acts of Violence	Minimum Award Level	Maximum Award Level
<b>A</b>	Any offence that involves: <ul style="list-style-type: none"> <li>• the sexual penetration of a person; or</li> <li>• attempted murder.</li> </ul>	\$3,500	\$7,500
<b>B</b>	Any offence that involves: <ul style="list-style-type: none"> <li>• attempted sexual penetration of a person;</li> <li>• an indecent act with, or indecent assault against, a person;</li> <li>• armed robbery;</li> <li>• aggravated burglary; or</li> <li>• the deprivation of liberty of a person for the purpose of: <ul style="list-style-type: none"> <li>– sexual penetration; or</li> <li>– demanding any ransom for their release.</li> </ul> </li> </ul>	\$1,000	\$2,500
<b>C</b>	Any offence that involves: <ul style="list-style-type: none"> <li>• an attempt to commit a category B act of violence;</li> <li>• a threat of death;</li> <li>• conduct endangering life;</li> <li>• inflicting serious injury; or</li> <li>• robbery.</li> </ul>	\$500	\$1,000
<b>D</b>	Any offence that involves: <ul style="list-style-type: none"> <li>• an attempt to commit a category C act of violence;</li> <li>• a threat of injury;</li> <li>• an assault against a person;</li> <li>• an attempted assault;</li> <li>• the deprivation of the liberty of a person, excluding a category B act of violence; or</li> <li>• an act of violence not otherwise specified as a category A, B, C, or D act of violence.</li> </ul>	\$100	\$500

# Location of Offences by Local Government Area

The following list shows the number of finalised applications where an award was made by metropolitan and non-metropolitan local government area where the offence occurred during 2004–05.

Local Government Area	CIC Act	VOCA Act	Local Government Area	CIC Act	VOCA Act
<b>Metropolitan</b>			Delatite	1	6
Banyule	-	60	East Gippsland	-	23
Bayside	-	27	French Island	-	-
Boroondara	-	49	Gannawarra	-	7
Brimbank	5	135	Glenelg	-	7
Cardinia	-	44	Golden Plains	-	-
Casey	-	116	Greater Bendigo	-	50
Cranbourne	-	3	Greater Geelong	1	178
Darebin	-	94	Greater Shepparton	-	57
Frankston	-	77	Hepburn	-	7
Glen Eira	-	23	Hindmarsh	-	1
Greater Dandenong	-	145	HMAS Cerberus	-	-
Hobsons Bay	-	37	Horsham	-	7
Hume	2	126	Indigo	-	5
Kingston	-	67	Jarriambiack	-	-
Knox	-	62	Kilmore	-	5
Manningham	-	35	La Trobe	-	27
Maribyrnong	3	35	Lodden	-	9
Maroondah	-	39	Macedon Ranges	-	18
Melbourne	1	186	Marong	-	10
Melton	-	26	Milawa	-	27
Monash	2	80	Mildura	-	54
Mooney Valley	-	71	Mitchell	-	11
Moreland	-	75	Moira	-	18
Mornington Peninsula	1	72	Moorabool	-	6
Nillumbik	-	9	Morwell	-	21
Port Phillip	4	73	Mount Alexander	-	16
Stonnington	-	80	Moyne	-	6
Werribee	-	15	Murrindindi	-	15
Whitehorse	-	42	Northern Grampians	-	10
Whittlesea	1	51	Portland	-	3
Wyndham	-	38	Pyrenees	-	5
Yarra	-	71	Queenscliff Borough	-	2
Yarra Ranges	3	45	South Gippsland	-	12
<b>Total Metropolitan</b>	<b>22</b>	<b>2,108</b>	Southern Gippsland	-	-
<b>Non-Metropolitan</b>			Southern Grampians	-	5
Alpine	-	4	Southern Rural	-	4
Ararat	-	7	Strathbogie	-	4
Bacchus Marsh	-	16	Surfcoast	-	15
Bairnsdale	-	6	Swan Hill	-	11
Ballarat	1	87	Towong	-	6
Bass Coast	-	17	Warmnambool	-	39
Baw Baw	-	13	Wellington	-	14
Buloke	-	3	West Wimmera	-	-
Buoke	-	-	Western Districts	-	-
Campaspe	-	24	Wodonga	-	23
Campspe	-	6	Yarriambiack	-	9
Cental	-	-	<b>Total Non-Metropolitan</b>	<b>3</b>	<b>970</b>
Central Goldfields	-	18	<b>Total Metropolitan and Country</b>	<b>25</b>	<b>*3,078</b>
Colac Otway	-	6			
Corangamite	-	10			

\*Some applications may involve offences occurring in more than one location.

# Employment Status of Victims Where Award Made

The following lists the number of finalised applications where an award was made by occupation or profession of victims during 2004–05.

Occupation/Profession	CIC Act	VOCA Act
Actor or Artist	-	3
Armed Forces	-	2
Bank or Building Society Employee	-	20
Child	-	85
Clerical, e.g. typist	-	52
Driver	-	35
Farmer or Farm Employee	-	14
Factory Worker	2	25
Home Duties	2	303
Hotel or Restaurant Employee	-	37
Investigator	-	-
Labourer	1	74
Lawyer	-	7
Manager	-	41
Medical Practitioner	-	5
Nursing Staff	-	39
Other	3	815
Owner/Driver	-	5
Police	-	63
Pensioner	4	189
Prison Officer	-	7
Professional	-	74
Prisoner (in custody)	-	-
Process Server	-	1
Public Service Employee	-	15
Public Transport Employee	-	3
Retired	1	59
Self Employed	-	24
Security Guard	-	31
Sheriff's Officer	-	1
Sales Person	-	79
Service Station Employee	-	6
Storeman	-	12
Student	6	519
TAB Employee	-	2
Taxi Driver	-	18
Teacher	-	22
Technician	-	10
Tradesperson	-	110
Unemployed	6	276
<b>Total</b>	<b>25</b>	<b>*3,083</b>

\*Some applicants list more than one occupation or profession.

# Awards Made by Offence Description

The following list shows the number of finalised applications where an award was made by the description of offence leading to the application being made during 2004–05.

Criminal Act	CIC Act	VOCA Act	
Aggravated Burglary	-	116	
Armed Robbery	-	141	
Armed Robbery—Bank	-	20	
Arson	-	20	
Assault	12	1,267	
Assault—Occasioning Actual Bodily Harm	-	10	
Assault by Kicking	-	5	
Assault and Robbery	-	29	
Assault with a Weapon	-	51	
Attempted Murder	1	44	
Attempting to Apprehend an Offender	-	2	
Attempted Rape	-	2	
Blackmail	-	6	
Burglary	-	4	
Causing an Explosion	-	1	
Conduct Endangering Life	-	7	
Cause Injury Intentionally or Recklessly	-	113	
Cause Serious Injury Intentionally	-	94	
Culpable Driving	3	90	
Hinder Police	-	1	
Incest	-	30	
Indecent Assault	7	281	
Kidnapping /False Imprisonment	-	30	
Malicious Wounding	-	3	
Manslaughter	-	27	
Murder	2	335	
Negligently Cause Serious Injury	-	12	
Other Offences	3	101	
Rape	2	165	
Robbery	-	2	
Stalking	-	28	
Sexual Assault	-	162	
Threats	-	16	
Threats to Kill	-	54	
Threats to Inflict Serious Injury	-	3	
Theft	-	4	
Trying to Aid/Rescue Victim	-	2	
Trying to Prevent Commission of Offence	-	4	
<b>Total</b>	<b>*30</b>	<b>*3,282</b>	

\*Some applications may involve more than one offence.

# Directory of Tribunal Members as at 30 June 2005

## Chief Magistrate

Mr Ian Leslie Gray

## Deputy Chief Magistrates

Mr Paul Douglas Grant

Mr Peter Henry Lauritsen

Mr Daniel John Muling

Ms Jelena Popovic

Mr Paul Anthony Smith

## Magistrates

Mr Henry Clive Alsop

Ms Kathryn Helen Auty

Ms Donna Bakos

Mr Raffaele Barberio

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt

Mr Maxwell Charles Speedie Beck

Mr Isaac Joseph Beder

Mr Ross Frederick Betts

Mrs Susan Adele Blashki

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Ms Felicity Anne Broughton

Mr Andrew Thomas Capell

Mr James Maxwell Brooke Cashmore

Mr Brian Joseph Clifford

Mr Bernard Joseph Coburn

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Ms Barbara Ann Cotterell

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Mr John William Doherty

Mr John Philip Dugdale

Ms Caitlin Creed English

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Roger Wilson Franich

Mr William Paterson Gibb

Mr Phillip Goldberg

Ms Jennifer Anne Benn Goldsbrough

Ms Jennifer Margaret Grubissa

Mr Maurice Gurvich

Mr Harold Rupert Hallenstein AM

Ms Lisa Anne Hannan

Mr Harley James Harber

Ms Margaret Gill Harding

Mr John William Hardy

Mr Thomas Kevin Hassard

Ms Kate Isabella Hawkins

Ms Jacinta Mary Heffey

Mr Francis William Hender

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Ms Audrey Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio La Rosa

Mr Gregory John Zalman Levine

Mr Colin Eunan Macleod

Ms Kay Helen Macpherson

Mr Reginald John Marron

Mr Lance Ivan Martin

Ms Anne Jeanette Maughan

Mr Timothy John McDonald

Mr Ian Thomas McGrane

Mr Rowan George McIndoe

Mr Gregory Laurence McNamara

Mr Clive James McPherson

Mr Peter Harry Mealy

Mr John Martin Murphy

Mr John Charles Myers

Mr William John George O'Day

Mr Thomas Michael O'Dwyer

Ms Denise Mary O'Reilly

Ms Kim Michelle Willmott Parkinson

Ms Jane Marie Josephine Patrick

Mr Peter Thomas Power

Mr Steven Raleigh

Mr Peter Anthony Reardon

Mr Duncan Keith Reynolds

Mr Charles Schol Rozencwajg

Mr Ronald Norman Saines

Mr Michael Leslie Smith

Ms Paresa Antoniadis Spanos

Mr Alan John Spillane

Ms Heather Margaret Spooner

Ms Christine Anne Stewart-Thornton

Mr Michael Henry Lewis Stone

Ms Noreen Mary Toohey

Mr Robert Leslie Tuppen

Mr Ian Maxwell von Einem

Ms Susan Melissa Wakeling

Ms Belinda Jane Wallington

Mr Hugh Malcolm Walter

Mr Iain Treloar West

Mr William Peter White

Mr Brian Philip Wynn-Mackenzie

Mr Brian Wright

Mr Richard Wright

# Glossary of Terminology

**Adjourned Sine Die:** Applications not finalised that have been adjourned to a date to be fixed, or indefinitely, pending some further action.

**Award:** An award of assistance made by the Tribunal.

**Award Decisions Varied:** An original VOCAT award varied by VCAT.

**Award on Refusal CCT/VOCAT:** A VOCAT decision to refuse an award overturned by VCAT.

**CCT:** Crimes Compensation Tribunal. Operated from 27 March 1973 to 30 June 1997 when the *Criminal Injuries Compensation Act* 1983 was repealed. Pending applications relevant to this legislation are still being finalised by VOCAT.

**CIC Act:** The *Criminal Injuries Compensation Act* 1983.

**Decision Affirmed and Appeal**

**Dismissed:** The original VOCAT decision confirmed by VCAT.

**Distress:** An award of assistance available only to Related Victims pursuant to Section 13(2)(c) of the *Victims of Crime Assistance Act* 1996.

**Finalised Application:** An application is finalised when the Tribunal has:

- made a final award;
- refused the application; or
- struck out the application.

In addition, an application is finalised when the applicant withdraws the application.

**Final Award:** A finalisation where the Tribunal has made an award of assistance. However, there may be an application for a variation by the applicant at a later date.

**Interim Award:** Any award of assistance made by a Tribunal Member or Registrar pending the final determination of an application.

**Other Disposal:** An application is finalised without a final award being made, or where interim awards have been granted and no further assistance from the Tribunal is required.

**Other Expenses:** Includes expenses to assist recovery incurred by a primary victim, secondary victim or related victim [Sections 8(3), 10A, and 13(4)], other expenses incurred by a related victim [Section 13(2)(e)], and expenses incurred through loss or damage to clothing by a primary victim [Section 8(2)(d)].

**Pain and Suffering:** A category of compensation awarded by the Tribunal for applications made pursuant to the *Criminal Injuries Compensation Act* 1983.

**Primary Victim:** A person who is injured or dies as a direct result of an act of violence committed against him or her. Also, any person who is injured or dies as a direct result of:

- trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence;
- trying to prevent the commission of an act of violence; or
- trying to aid or rescue someone whom he or she believes on reasonable grounds is a victim of an act of violence—whether or not an act of violence is actually committed.

**Refused:** The Tribunal has refused an application for an award of assistance on the grounds that the application did not satisfy the criteria of the legislation in relation to an award.

**Related Victim:** A person who, at the time of the occurrence of the act of violence:

- (a) was a close family member of;
- (b) was a dependant of; or
- (c) had an intimate personal relationship with a primary victim of that act who died as a direct result of that act.

**Special Financial Assistance:** A category of assistance that is available to some primary victims who have suffered a significant adverse effect. Eligibility arose as a result of amendments to the VOCA Act, which came into effect on 1 January 2001.

**Struck Out:** An order of the Tribunal usually made in circumstances where the applicant does not respond to the time limits for specific actions, as directed by the Tribunal.

**Section 32/48:** Applications made under the VOCA Act or CIC Act, respectively, for an order for costs against the applicant.

**VACP:** The Victims Assistance and Counselling Program.

**Variation:** A further award made by the Tribunal upon application by a person to whom an award of assistance has been already made.

**VOCA Act:** The *Victims of Crime Assistance Act* 1996.

**VOCAT:** Victims of Crime Assistance Tribunal, established 1 July 1997 with the introduction of the *Victims of Crime Assistance Act* 1996.

**VCAT:** The Victorian Civil and Administrative Tribunal.

**VSA:** The Victims Support Agency.

# Contact Information

## Metropolitan Magistrates' Court Locations

### ***BROADMEADOWS***

Cnr. Pearcedale Pde and Dimboola Road,  
PO Box 3235, Broadmeadows 3047  
Tel: 9309 1555 Fax: 9309 4686

### ***FRANKSTON***

Fletcher Road,  
PO Box 316, Frankston 3199  
Tel: 9784 5777 Fax 9784 5757

### ***MELBOURNE***

233 William Street,  
GPO Box 882G, Melbourne 3001  
Tel: 9628 7777 Fax: 9628 7853  
Toll Free Number 1800 882 752

### ***SUNSHINE***

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

### ***DANDENONG***

Cnr. Foster and Pultney Streets,  
PO Box 392, Dandenong 3175  
Tel: 9767 1300 Fax: 9767 1399

### ***HEIDELBERG***

Jika Street,  
PO Box 105, Heidelberg 3084  
Tel: 8458 2000 Fax: 8458 2001

### ***RINGWOOD***

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

### ***WERRIBEE***

Cnr. Duncans Road and Salisbury Street  
PO Box 196, Werribee 3030  
Tel: 9741 4288 Fax: 9741 9522

## Country Victoria Magistrates' Court Locations

### ***ARARAT***

Cnr. Barkly and Ingor Streets,  
PO Box 86, Ararat 3377  
Tel: 5352 1081 Fax: 5352 5172

### ***BAIRNSDALE***

Nicholson Street,  
PO Box 367, Bairnsdale 3875  
Tel: 5153 1000 Fax: 5152 1405

### ***BENALLA***

Bridge Street,  
PO Box 258, Benalla 3672  
Tel: 5761 1400 Fax: 5761 1413

### ***CASTLEMAINE***

Lyttleton Street,  
PO Box 92, Castlemaine 3450  
Tel: 5472 1081 Fax: 5470 5616

### ***COLAC***

Queen Street,  
PO Box 200, Colac 3250  
Tel: 5231 5455 Fax: 5232 1054

### ***ECHUCA***

Heygarth Street  
PO Box 76, Echuca 3564  
Tel: 5482 1006 Fax: 5482 5597

### ***BACCHUS MARSH***

Main Street,  
PO Box 277, Bacchus Marsh 3340  
Tel: 5367 2953 Fax: 5367 7319

### ***BALLARAT***

100 Grenville Street South,  
PO Box 604, Ballarat 3350  
Tel: 5336 6200 Fax: 5336 6213

### ***BENDIGO***

71 Pall Mall,  
PO Box 930, Bendigo 3550  
Tel: 5440 4140 Fax: 5440 4174

### ***COBRAM***

Cnr. Punt Road and High Street  
(C/- PO Box 607 Shepparton 3630)  
Tel: 5872 2639 Fax: 5871 2140

### ***DROMANA***

Codrington Street  
PO Box 105, Dromana  
Tel: 5987 2606 Fax: 5987 2191

### ***GEELONG***

Railway Terrace  
PO Box 428, Geelong 3213  
Tel: 5225 3333 Fax: 5225 3392

**HAMILTON**

Martin Street,  
PO Box 422, Hamilton 3300  
Tel: 5572 2288 Fax: 5572 1653

**KERANG**

Victoria Street,  
PO Box 77, Kerang 3579  
Tel: 5452 1050 Fax: 5452 1673

**KYNETON**

Hutton Street,  
PO Box 20, Kyneton 3444  
Tel: 5422 1832 Fax: 5422 3634

**MARYBOROUGH**

Clarendon Street,  
PO Box 45, Maryborough 3465  
Tel: 5461 1046 Fax: 5461 4014

**MOE**

Lloyd Street,  
PO Box 87, Moe 3825  
Tel: 5127 4888 Fax: 5127 8780

**NHILL**

110 MacTelerson Street,  
PO Box 8, Nhill 3418  
Tel: 5391 1207

**SALE**

Foster Street (Princes Highway)  
PO Box 351, Sale 3850  
Tel: 5144 2888 Fax: 5144 7954

**SHEPPARTON**

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

**STAWELL**

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

**WANGARATTA**

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

**WODONGA**

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

**HORSHAM**

Roberts Ave,  
PO Box 111, Horsham 3400  
Tel: 5362 4444 Fax: 5362 4454

**KORUMBURRA**

Bridge Street,  
PO Box 211, Korumburra 3950  
Tel: 5655 1766 Fax: 5658 1468

**MANSFIELD**

Cnr. High and Highett Street,  
PO Box 105, Mansfield 3722  
Tel: 5775 2672 Fax: 5775 3003

**MILDURA**

Deakin Avenue,  
PO Box 5014, Mildura 3500  
Tel: 5023 0519 Fax: 5021 1794

**MYRTLEFORD**

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

**PORTLAND**

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

**SEYMOUR**

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

**ST ARNAUD**

Napier Street  
(C/- PO Box 111, Horsham 3400)  
Tel: 5495 1092

**SWAN HILL**

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

**WARRNAMBOOL**

218 Koroit Street  
PO Box 244, Warrnambool 3280  
Tel: 5564 1111 Fax: 5564 1100

**WONTHAGGI**

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

# How to Apply

To apply, complete and return an Application for Assistance Form to the Tribunal closest to your residence for registration. Those classified as 'Related Victims' must lodge their applications at the Principal Registry in Melbourne (refer to back cover and page 35 for contact details). In the event of multiple applications arising from one incident, you must lodge your application at the Tribunal closest to where the offence occurred.

The application must set out:

- circumstances of the act of violence, including date, time and place;
- the applicable category of victim claimed by the applicant;
- nature of injuries or cause of death;
- whether matter was reported to police and, if so, full details of the police report, including officers name, rank, station and date of report;
- whether the applicant has made any other applications for assistance with respect to the same act of violence;
- whether the applicant has applied for compensation, damages or payments of any kind from any other scheme;
- details of any relevant insurance cover; and
- whether the applicant elects to attend a hearing or have the application determined in his or her absence without a hearing.

Related victims must also give the details of every other person whom they believe may allege they are a related victim of the act of violence or who may apply for funeral expenses through the Tribunal.

The Tribunal will also require:

- a statutory declaration to be completed verifying the contents of the application are true; and
- an authority for the Tribunal to obtain any other relevant information to enable it to determine the application.

If the application is not fully completed, it will be returned to the applicant. To assist in completing the application, an Information Guide is attached to the application form.

The application form and information guide are available at your local Magistrates' Court or can be downloaded from the web site at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au) by following the links.





## **Victims of Crime Assistance Tribunal**

Principal Registry, 2nd Floor  
233 William Street  
Melbourne, Victoria 3000  
Telephone: (03) 9628 7855  
Facsimile: (03) 9628 7853

[www.vocat.vic.gov.au](http://www.vocat.vic.gov.au)