



Victims of Crime Assistance Tribunal



2003–04 Annual Report

Our Vision

Purpose and Objectives

Lead in the administration of justice by providing a professional, accessible and responsive court system that ensures justice for all Victorians.

We help victims of violent crime recover from their ordeals and assist with expenses that may have resulted from the crimes.

Our objectives are to:

- assist victims of crime to recover from the crime by paying them 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.

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- 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 court 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 2004, 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

30 September 2004

Cover—Members of the VOCAT team, from left, Principal Registrar Anthony Gwynne, Supervising Magistrate Felicity Broughton and Senior Deputy Registrar Diana Petrolo.

Our Profile

Who We Are

The Victims of Crime Assistance Tribunal (VOCAT) operates throughout Victoria, offering victims of crimes involving an act of violence a support system. Support includes assisting with expenses that may have resulted from the crime and, in some circumstances, payments for special financial assistance, while providing a forum for victims to speak out about their experiences.

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 particular circumstances exist.

What We Do

The Tribunal comprises 100 Magistrates who sit as Tribunal Members to hear and determine applications for assistance. 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 copy of the police report and, if applicable, public hospital records.

When determining an award of assistance, the Tribunal 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

On 1 July 2003, we implemented new procedures relating to awards for counselling and psychological and psychiatric assessment, pursuant to Practice Direction 9/2003 issued by the Chief Magistrate. These procedures involved a standard set of forms for service providers to



From left, Deputy Registrars Kym Williams and Vaska Eftimoska discuss the listing of an application for hearing.

submit to the Tribunal both when requesting counselling sessions and billing for sessions undertaken, as well as establishing guidelines for the service providers when submitting reports to the Tribunal.

The procedures benefit psychologists and psychiatrists with clear guidelines regarding the information and content they are to provide in their counselling reports. Victims of crime also benefit from the new procedures by becoming more involved in the process. We require victims to sign an acknowledgement form stating they agree with the proposed counselling plan and number of counselling sessions sought by the service provider. Involved with the planning of their treatment, victims become more aware of the treatment plan sought and the period of time over which they will undertake future counselling. At the same time, the service providers become more accountable for the sessions they are seeking.

The Tribunal benefits with a more simplified process of authorising future counselling involving:

- the applicant signing a standard account form for billing as proof the sessions have been undertaken;
- an acknowledgement option on the counselling request form supporting the treatment plan being sought; and
- the service providers providing their academic qualifications to qualify their individual expertise.

The new guidelines establish consistency in the reports and ensure they provide the relevant information that we require to fairly and accurately assess the counselling request.

Practice Directions

On 1 July 2003, the Chief Magistrate introduced nine Practice Directions, as follows, designed to provide more consistency and transparency for some paramount areas of the Tribunal's practices and procedures:

- *Practice Direction 1/2003*: Repealing of Obsolete Practice and Procedural Directions.
- *Practice Direction 2/2003*: Access to VOCAT files.
- *Practice Direction 3/2003*: Extension of Time—Section 29.
- *Practice Direction 4/2003*: Directions Hearings.
- *Practice Direction 5/2003*: Notification of Alleged Offenders Pursuant to Section 34(2) and (3).
- *Practice Direction 6/2003*: Loss of Earnings.
- *Practice Direction 7/2003*: Dependency Claim.
- *Practice Direction 8/2003*: Persons with a Legitimate Interest Pursuant to Section 34 and 35.
- *Practice Direction 9/2003*: Counselling and Assessment.

These Practices Directions are available on the VOCAT web site at www.vocat.vic.gov.au.

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 in May and June 2004 to promote the Tribunal and its role in assisting victims of crime. We held two forums in Melbourne attended by a total of 430 people and forums in regional centres, including Benalla, Traralgon, Mildura and Bendigo. We presented the forums to VOCAT service providers in the local communities, such as psychologists, counsellors, social workers and solicitors.

Brief History

On 1 July 1997, the *Criminal Injuries Compensation Act 1983* (CIC Act) was repealed and, on the same day, the *Victims of Crime Assistance Act 1996* (VOCA Act) came into operation, establishing VOCAT and replacing the Crimes Compensation Tribunal.

The legislative changes that followed significantly affected the number of applications received and, consequently, the number of awards made by the Tribunal. Most notably, the VOCA Act removed the entitlement to compensation for pain and suffering for victims, greatly reducing the number of applications lodged with the Tribunal.

Effective 1 January 2001, the VOCA Act was amended, establishing entitlements to payments for pain and suffering in the form of special financial assistance to primary victims. This assistance resulted in an increase in the number of applications received, and subsequent awards made, by the Tribunal.

On 12 June 2003, the *Victims of Crime Assistance (Miscellaneous Amendment) Act 2003* was enacted, increasing the entitlements for childhood sexual abuse victims and granting Registrars the power to make interim awards as of 1 January 2004. The prescribed limit of \$1,000 covers counselling expenses, medical expenses and, in exceptional circumstances, expenses to assist recovery, leading to an increase in efficiency and turn-around time for processing interim awards.

As the Tribunal continues to change and evolve, our focus is gradually shifting. While the Tribunal forms part of the work of the Magistrates' Court, is administered by Magistrates' Court staff, and is presided over by a Magistrate, the Tribunal has developed a claim management function in parallel with the court's system.

At the Tribunal, we aim to further improve our reporting systems so that they may best reflect our work output.

Year at a Glance and Highlights

Year at a Glance

Item		2003-04	2002-03	% Change
Applications Lodged	No	4,075	4,047	0.1
Applications Finalised	No	4,525	3,811	18.7
Applications Pending	No	4,991	4,624	7.9
Applications Resulting in Award Being Made	No	2,974	2,745	8.3
Final Awards Made Under VOCA Act	No	2,954	2,712	8.9
Final Awards Made Under CIC Act	No	20	33	(39.4)
Outcome of Applications Resulting in No Award Being Made:				
• Other Disposal	No	59	53	11.3
• Refused	No	156	165	(5.4)
• Withdrawn/Struck Out	No	1,331	844	57.7
• Section 32/48 Orders	No	5	4	25.0
Applications Finalised within 12 Months	%	56.0	63.0	(7.0)
Reviews of VOCAT Decisions Determined at VCAT	No	28	27	4.0
Outcome of Reviews Determined at VCAT:				
• Original VOCAT Award Confirmed by VCAT	%	42.9	26.0	16.9
• VCAT Overturned VOCAT Decision to Refuse Award	%	7.1	33.3	(26.2)
• VCAT Varied the Original VOCAT Award	%	3.6	11.1	(7.5)
• Withdrawn/Abandoned by Applicant	%	25.0	14.8	10.2
• Struck Out	%	21.4	0.0	21.4
• Referred Back to VOCAT	%	0.0	14.8	(14.8)
Amount of Assistance Awarded under VOCA Act	\$'000	17,825	17,237	3.5
Amount of Assistance Awarded under CIC Act	\$'000	314	375	(16.3)
Amount Awarded in Legal Costs and Disbursements	\$'000	2,380	2,173	9.6
Interim Assistance Awards* Made	No	1,530	-	-
Variation Awards* Granted	No	2,660	-	-
Awards Held in Trust as at 30 June	No	2,460	2,305	6.7
Amount of Awards Invested in Trust	\$'000	25,288	23,787	6.1
Amount Earned by Awards Held in Trust	\$'000	1,267	1,194	6.0
Awards Made by Victim Category:				
• Primary Victims	%	80.7	81.4	(0.7)
• Secondary Victims	%	6.2	6.1	0.1
• Related Victims	%	13.1	12.2	0.9
• Section 15 Funeral Expenses ⁺	%	0.0	0.3	(0.3)
Awards Made Relating to Male Victims	%	50.9	53.2	(2.3)
Awards Made Relating to Female Victims	%	48.8	46.2	2.6
Ages of Victims at the Time the Act of Violence Occurred:				
• 18 years or less	%	25.9	25.0	0.9
• 19 to 25 years	%	15.6	16.7	(1.1)
• 26 to 35 years	%	21.7	22.1	(0.4)
• 36 to 60 years	%	32.1	31.2	0.9
• 61 years or more	%	4.4	4.4	n/c
• Age Unknown	%	0.3	0.6	(0.3)

*This Annual Report presents, for the first time, statistics pertaining to interim awards and variation awards.

⁺The Tribunal made one Section 15 award out of 2,954 finalisations, representing 0.03%, which has been rounded down one decimal point to 0.0%.

Highlights

- The Tribunal made a total of 7,164 interim, final and variation awards to assist victims of crime in their recovery.
- Successfully implemented changes resulting from the *Victims of Crime Assistance (Miscellaneous Amendment) Act 2003*.
- As a result of powers being given to Registrars to make interim awards, significantly improved the turnaround time for processing these awards, resulting in most cases being determined within 48 hours of the application being received.
- Established close working relationships with the Victims Support Agency (VSA) and the Victims Assistance Programs (VAPs) and delivered a number of information forums for service providers in both metropolitan and regional areas.
- Established VOCAT positions for five Deputy Registrars at the Regional Headquarters' Courts at Geelong, Ballarat, Bendigo, Shepparton and Moe.
- Launched VOCAT's own web site at www.vocat.vic.gov.au containing up-to-date information about the Tribunal, including legislation, forms, practices and procedures.
- Increased the telephone hours that victims of crime can access the Principal Registry of VOCAT.
- The Chief Magistrate introduced nine Practice Directions designed to make the Tribunal's practices and procedures more transparent, consistent and accessible.

Our Objectives and Achievements in 2003–04

Objectives	Achievements	Future
<p>Provide financial assistance to victims of crime to assist in their recovery.</p>	<p>In 2003–04, the Tribunal made a total of 7,164 interim, final and variation awards to assist victims of crime in their recovery.</p>	<p>Continue to provide financial assistance to victims of crime by way of interim, final and variation awards.</p>
<p>Provide a more responsive and efficient service to victims of crime in accordance with legislative changes.</p>	<p>Successfully implemented changes resulting from the <i>Victims of Crime Assistance (Miscellaneous Amendment) Act 2003</i>, which allowed for increased:</p> <ul style="list-style-type: none"> (a) entitlements for victims of childhood sexual abuse; and (b) powers for Registrars, enabling them to make interim awards for assistance (up to a prescribed limit). 	<p>Continue to refine the Tribunal's practices and procedures in accordance with legislative changes.</p>
<p>In accordance with legislative amendments, process interim awards for medical and counselling expenses up to \$1,000.</p>	<p>As a result of powers being given to Registrars to make interim awards, significantly improved the turnaround time for the processing of these awards. Victims receive a more efficient service from the Tribunal in terms of having their applications for interim awards for counselling and medical expenses assessed and determined, in most cases, within 48 hours of the application being received.</p>	<p>Where possible, continue to provide an effective and efficient service to victims of crime by processing interim awards within 48 hours of the application being received.</p>
<p>Adopt initiatives in accordance with recommendations of the 2002 Review of Service to Victims of Crime Report.</p>	<p>Established a close working relationship with the Victims Support Agency (VSA) and the Victims Assistance Programs (VAPs) and delivered a number of information forums for service providers in both metropolitan and regional areas.</p>	<p>Continue to improve services and the response and coordination of services for victims of crime with other government agencies.</p>

Objectives

Develop initiatives to provide a more responsive service to victims of crime at all Tribunal registries throughout Victoria.

Promote consistency and transparency of practices and procedures when dealing with VOCAT applications.

Achievements

Introduced a number of changes to provide victims of crime with a better service, as follows:

- Established VOCAT positions for five Deputy Registrars at the Regional Headquarters Courts at Geelong, Ballarat, Bendigo, Shepparton and Moe. These Registrars oversee the efficient operation of all VOCAT Registries within their regions, and provide a dedicated contact and 'face' for VOCAT not previously available at country locations.
- Launched VOCAT's own web site at www.vocat.vic.gov.au in April 2004, containing up-to-date information about the Tribunal, including legislation, forms, practices and procedures.
- Extended the telephone hours that victims of crime can access the Principal Registry of VOCAT in February 2004 from 9.00 a.m. to 1.00 p.m. to 9.00 a.m. to 5.00 p.m.

The Chief Magistrate introduced nine Practice Directions designed to make the Tribunal's practices and procedures more transparent, consistent and accessible.

Future

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.

Advise, promote and implement changes in accordance with the Chief Magistrate's Practice Directions and improve the efficiency of the Tribunal's practices.

Chief Magistrate's Message

The Victims of Crime Assistance Tribunal (VOCAT) performs a pivotal role within the Victorian justice system by providing a voice for victims of crime and acknowledging the suffering they have experienced. In a symbolic way, VOCAT represents the Victorian community's expression of sympathy and condolence to victims and their families.

This crucial symbolic role sits alongside the practical functions of the Tribunal in providing financial assistance to victims of crime.

With these roles in mind, the Tribunal's principal priorities over the reporting period have been to continue to:

- improve access by the Victorian community to the Tribunal;
- improve the Tribunal's communication with the Victorian community;
- deal with claims for assistance in an efficient, expeditious and effective manner; and
- be responsive to the evolving and changing needs of victims of crime.

Over the last 12 to 18 months, we have undertaken an overhaul of the administrative procedures of the Tribunal. This work was underpinned by the recognition that there needed to be a greater emphasis on the timely and efficient management of the claims brought before the Tribunal, rather than simply having procedures that provide an efficient listing system for final determination.

In the past, applications were often determined and awards made at one final hearing many months after the application was lodged. The Tribunal has responded to the emerging needs of victims by routinely making interim awards for urgent needs prior to the final determination of an application, particularly in relation to counselling expenses and expenses to assist recovery. To reflect these changes, this Annual Report includes additional statistical information and commentary that has not been included in previous reports.



Chief Magistrate Ian L Gray

The Tribunal's responsibilities must also be seen in the context of the broader community and government support for victims of crime. As part of the implementation of the 2002 Services to Victims of Crime Report, the Victorian government provided additional funding to the Tribunal for dedicated VOCAT registrars in metropolitan and country registries of the Magistrates' Court and to cover the cost of some other limited infrastructure requirements. Since 1 January 2004, these registrars have had the power to make some interim awards, which has further expedited the processing of interim applications. This funding has further enhanced accessibility to VOCAT in rural and regional communities where highly skilled and experienced registrars are more readily available to assist applicants.

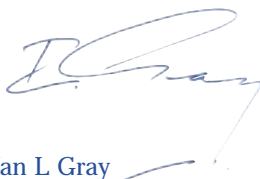
Another aspect of the implementation of the report resulted in the establishment of the Victims Support Agency (VSA). The Tribunal has been working closely with VSA to ensure, where possible, that VSA and VOCAT processes complement each other. VOCAT Registrars have also been developing strong links with Victim Assistance Program (VAP) workers in their local communities.

The importance of developing more effective communication has been a pre-eminent issue over the last 12 to 18 months. The Tribunal has been providing, and/or contributing to, regular information sessions, forums and seminars in rural and metropolitan communities and to service providers such as VAP workers, psychologists and solicitors. The establishment of a dedicated and informative VOCAT web site during the financial year has been an important enhancement to the Tribunal's communication strategy. In addition, the Judicial College of Victoria produced its first publication, the 2003 edition of the VOCAT handbook in November 2003, and I thank all those involved at the College for their assistance.

Since 2001 Felicity Broughton has been the Supervising Magistrate for the Tribunal. With the assistance of the VOCAT coordinating committee, she has overseen the development of many initiatives of the Tribunal. I would like to express my appreciation to her and to committee members for their dedicated work and consistent focus on developing and maintaining the high standards in this jurisdiction. Victorian Magistrates constitute the Tribunal around Victoria and I also thank them for their hard work.

I would also like to acknowledge the work and commitment of the Principal Registrars of the Tribunal over the year under review—Amanda Salvatore and Anthony Gwynne—and express my appreciation to the dedicated staff of the Tribunal.

Victims of crime who come before the Tribunal are often severely traumatised by having experienced a harrowing act of violence. The Tribunal will continue to strive to provide a compassionate and accessible forum in which to respond to their needs within the spirit and letter of the provisions of the VOCA Act.



Ian L Gray

Chief Magistrate

Our Performance

Applications Lodged

In 2003–04, applications lodged with the Tribunal totalled 4,075, compared with 4,047 in 2002–03, representing a very slight increase of 0.1% (28 applications).

Applications Finalised

The Tribunal finalised 4,525 applications in 2003–04, compared with 3,811 in 2002–03, representing an increase of 18.7% (714 applications). Approximately half of this increase resulted from a change to the Tribunal's counting rules. Historically, cases adjourned sine die by the Tribunal had been counted as finalised applications. The change to the counting rules moved these cases to a pending status, resulting in approximately 1,500 cases adjourned sine die being moved from a finalised status to a pending status on 10 February 2004.

The Tribunal then reviewed a large number of dormant applications under the *Criminal Injuries Compensation Act 1983* in May and June 2004. This review resulted in 486 adjourned sine die applications being formally finalised during the review period.

Pending Applications

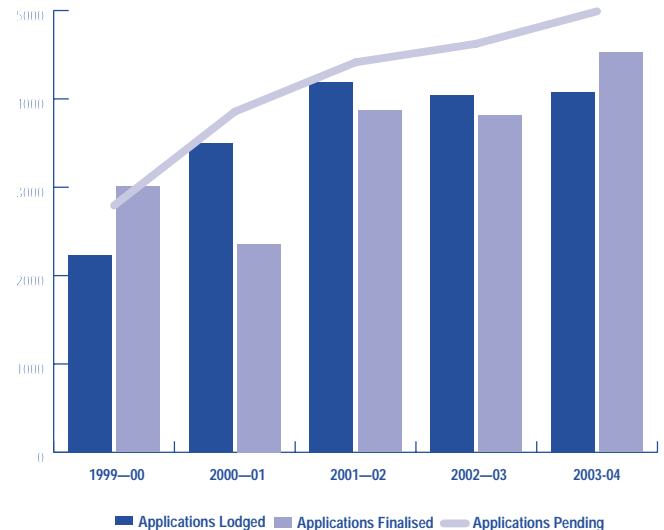
On 30 June 2004, pending applications awaiting determination totalled 4,991, compared with 4,624 applications pending on 30 June 2003. This result represents an increase of 7.9% (367 applications).

Of the 4,991 pending applications:

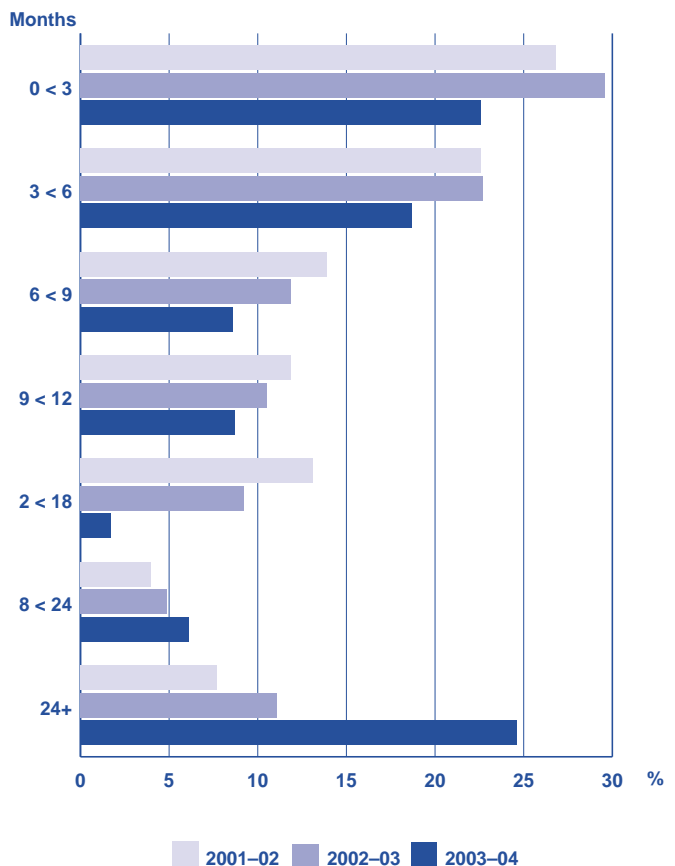
- 41.3% had been pending for less than six months;
- 17.3% had been pending for six to less than 12 months; and
- 41.4% had been pending for 12 months or more.

The number of applications pending for less than 12 months dropped from 74.7% in 2002–03 to 58.6% in 2003–04. This result can be attributed to the change in counting rules that resulted in adjourned sine die cases being moved from a finalised status to a pending status. The vast majority of the 1,500 adjourned sine die cases had been pending for more than 12 months, resulting in a large increase in pending applications older than 12 months.

1: Number of Applications Lodged, Finalised and Pending—1999–2000 to 2003–04



2: Age of Pending Applications—2001–02* to 2003–04



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

Outcome of Applications

Of the 4,525 applications finalised in 2003–04, 65.7% (2,974 applications) resulted in a final award being made, compared with 72.0% (2,745 applications) of the 3,811 applications finalised in 2002–03. This result represents an increase of 8.3% (229 applications).

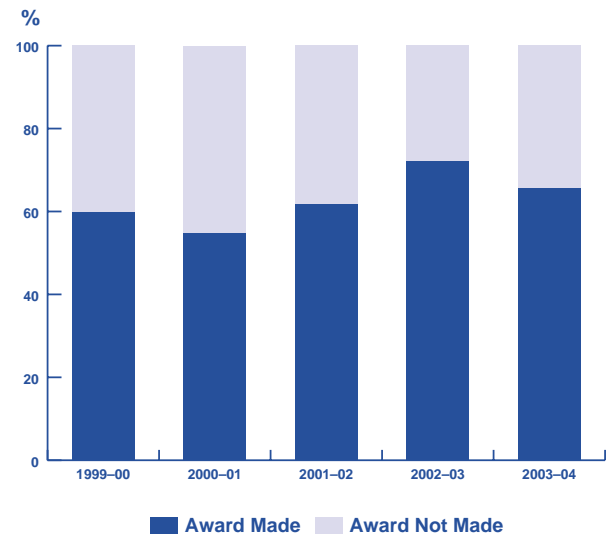
The majority of the final awards made by the Tribunal continued to be made under the VOCA Act, totalling 2,954 final awards (99.3%), compared with 2,712 final awards (98.8%) in 2002–03. Final awards made under the CIC Act totalled 20 final awards (0.7%), compared with 33 (1.2%) in 2002–03.

Applications where the Tribunal made no award resulted in the following outcomes:

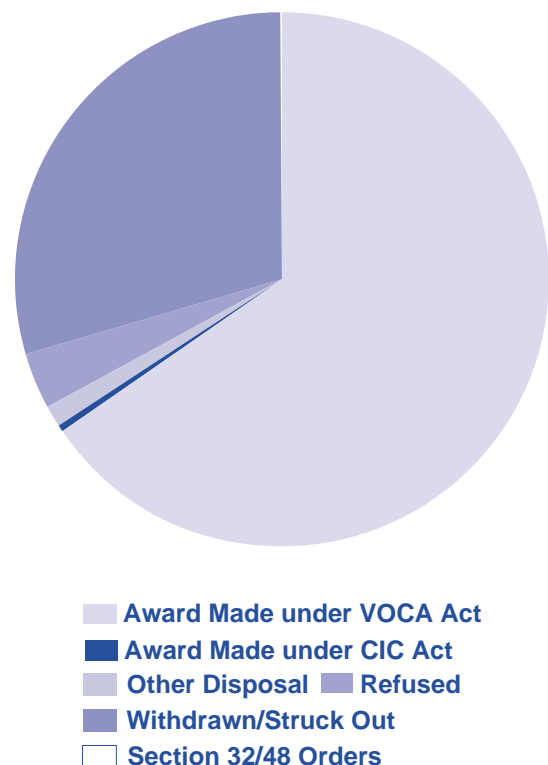
- 1.3% Other Disposal (1.4% in 2002–03).
- 3.4% Refused (4.3% in 2002–03).
- 29.4% Withdrawn/Struck Out (22.1% in 2002–03).
- 0.1% Section 32/48 Orders (0.1% in 2002–03).

The number of applications withdrawn/struck out increased due to the review conducted in May and June 2004 of dormant files under the CIC Act.

3: Comparison of Awards Made and Not Made—1999–2000 to 2003–04



4: Applications Finalised by Type of Outcome—2003–04



For an explanation of terminology, refer to page 30.

Our Performance

Case Processing Times

Of the 4,525 applications for assistance finalised in 2003–04, the Tribunal finalised 56% (2,536 applications) within 12 months of the application being lodged, compared with 63% (2,401 applications) in 2002–03.

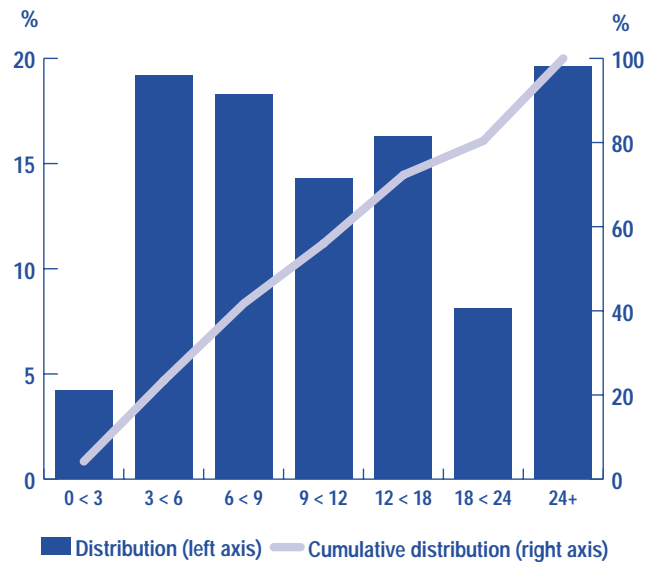
The reasons for the decrease in the number of applications finalised within 12 months can be attributed to the cases finalised as a result of the review conducted in May and June 2004 of files previously adjourned sine die under the CIC Act. All 486 cases finalised as a result of this review had been pending for more than 12 months.

Although the review of old adjourned sine die applications will continue into 2004–05, the Tribunal anticipates that, with a significant number of old applications finalised at the conclusion of this review, it will achieve a vast improvement in case processing times for VOCAT applications. In the future the Tribunal will be able to provide a better representation of the average time taken to finalise a VOCAT application from its initiation to its completion.

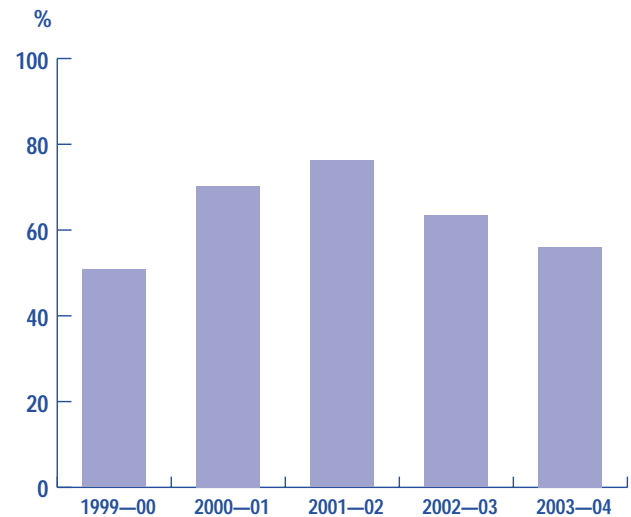
Case processing times are not totally under the control of VOCAT. Much of that time is spent awaiting information from other sources, causing delays in finalising applications. Such delays include awaiting:

- results of prosecutions/inquests;
- results of medical/psychological reports;
- police briefs;
- prior convictions information from police; and
- notifying the alleged offender.

5: Case Processing Times for Finalised Applications (in Months)—2003–04



6: Proportion of Applications Finalised within 12 Months of Lodgement—1999–2000 to 2003–04



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.

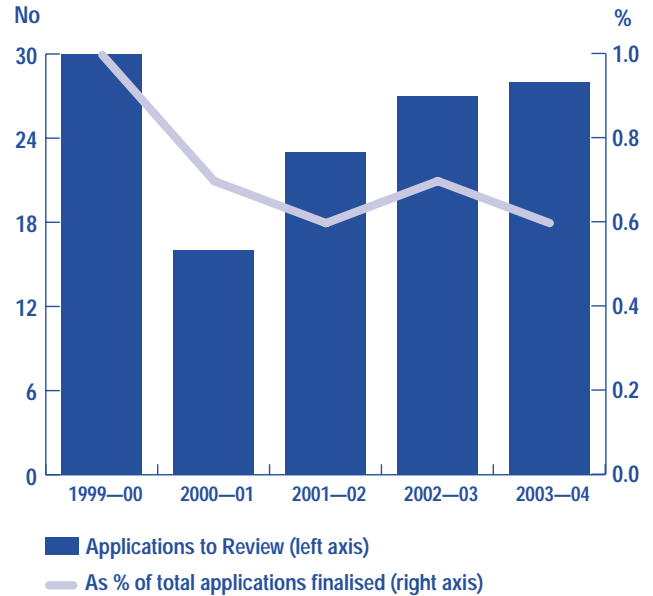
In 2003–04, a total of 28 reviews of VOCAT decisions were determined at VCAT, compared with 27 reviews in 2002–03, representing an increase of 4.0% (one review). The number of reviews finalised over the past three financial years has remained at a constant level.

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

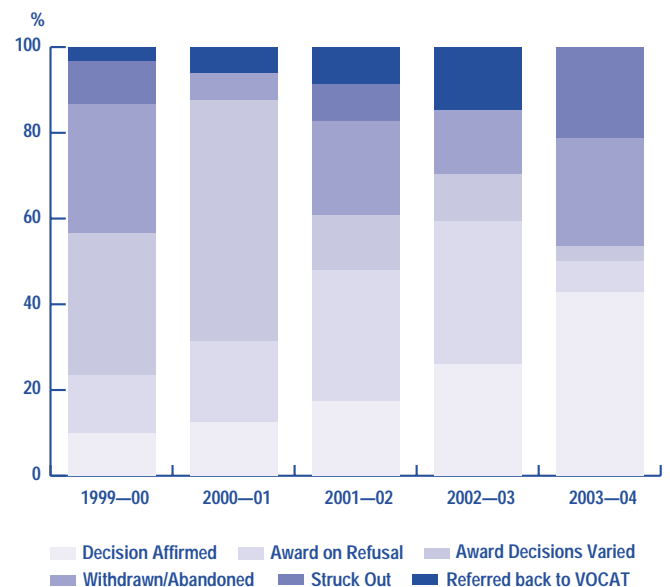
- 42.9% decision affirmed and appeal dismissed, meaning VCAT confirmed the original VOCAT award (26.0% in 2002–03).
- 7.1% award on refusal, meaning VCAT overturned VOCAT’s decision to refuse an award (33.3% in 2002–03).
- 3.6% award decisions varied, meaning VCAT varied the original VOCAT award (11.1% in 2002–03).
- 25.0% withdrawn/abandoned by applicant (14.8% in 2002–03).
- 21.4% struck out (0.0% in 2002–03).
- 0.0% referred back to VOCAT (14.8% in 2002–03).

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 0.6% of applications finalised by VOCAT in 2003–04.

7: Number of Reviews Finalised and as a Proportion of Total Applications Finalised—1999–2000 to 2003–04



8: Percentage of Review Applications Finalised by Type of Outcome—1999–2000 to 2003–04



Our Performance

Final Awards Made

In 2003–04, VOCAT finalised 2,974 applications by way of final award, awarding a total of \$20,519,309 broken down into three categories, as follows:

- \$17,825,062 in assistance under the VOCA Act;
- \$313,957 in compensation under the CIC Act; and
- \$2,380,290 in legal costs and disbursements.

This result compares with 2,745 applications finalised by way of final award, totalling \$19,785,196 in 2002–03, representing an increase of 7.6%. The costs for all three categories are similar to last financial year's figures in terms of the number of applications finalised where the Tribunal made awards, compared with the total amounts awarded. VOCAT finalised 229 more applications where it made final awards and paid an extra \$587,990 for matters under the VOCA Act in 2003–04. For matters under the CIC Act the Tribunal finalised 13 less applications and awarded \$61,525 less in compensation.

Awards Made under VOCA Act

The \$17,825,062* awarded under the VOCA Act represented 2,954 applications finalised, compared with \$17,237,072 awarded for 2,712 applications in 2002–03, representing an increase of 3.5%.

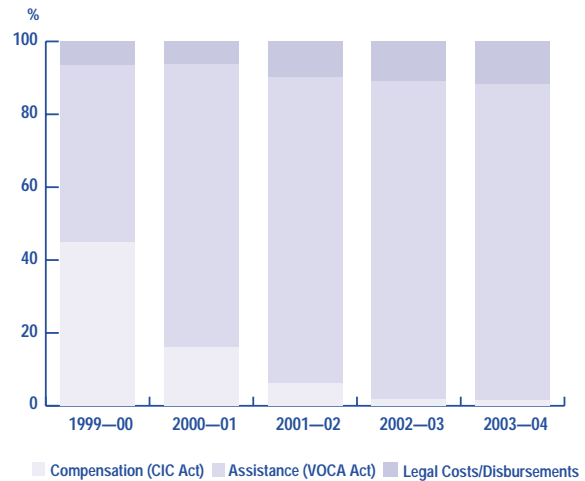
The following breakdown shows the amount of assistance awarded by category:

- 32.4% Special Financial Assistance (27.1% in 2002–03).
- 12.4% Pecuniary Loss (13.1% in 2002–03).
- 0.3% Dependency Loss (0.4% in 2002–03).
- 3.7% Medical Expenses (4.6% in 2002–03).
- 3.4% Counselling Expenses (5.1% in 2002–03).
- 0.7% Funeral Expenses (3.4% in 2002–03).
- 37.4% Distress Expenses (35.2% in 2002–03).
- 9.7% Other Expenses (11.2 in 2002–03).

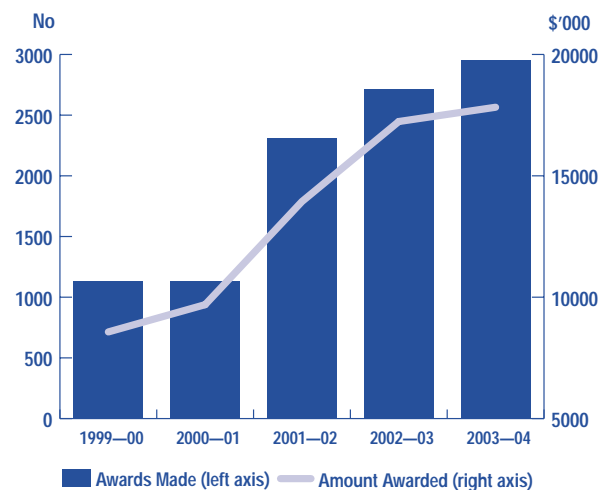
The majority of awards related to distress expenses and special financial assistance. The Tribunal attributes the declines in amounts awarded for counselling and funeral expenses to the number of interim awards made by both Magistrates and, as at 1 January 2004, Registrars. (See 'Interim Awards' on page 14.)

*This figure will differ from the amount stated in the Magistrates' Court Annual Report. In the VOCAT Annual Report it refers to the amount of compensation awarded by the Tribunal for 2003–04. The figure in the Magistrates' Court Annual Report refers to the amount actually paid out by the Tribunal for 2003–04.

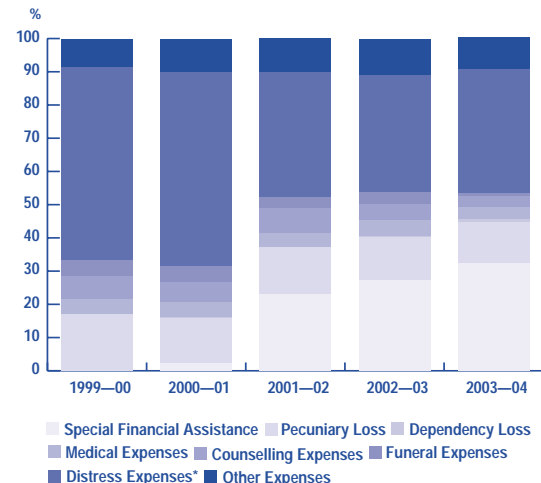
9: Distribution of All Final Awards Made—1999–2000 to 2003–04



10: Number of Awards Made Compared with Total Amount Awarded under VOCA Act—1999–2000 to 2003–04



11: Distribution of Total Amount of Awards Made under VOCA Act—1999–2000 to 2003–04



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

The following breakdown shows the amount of special financial assistance awarded by category (refer to page 24 for definitions of categories):

- 61.6% Category A (52.1% in 2002–03).
- 20.7% Category B (25.9% in 2002–03).
- 14.0% Category C (17.5% in 2002–03).
- 3.8% Category D (4.5% in 2002–03).

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 30 for a description of special financial assistance.)

Awards Made under CIC Act

The \$313,957 in compensation awards made under the CIC Act related to 20 applications, compared with \$375,482 awarded for 33 applications in 2002–03. This result represents an decrease of 16.3%. Compensation awards made will continue to decrease as the Tribunal finalises more applications under the CIC Act.

The total of \$313,957 in compensation awards is broken down as follows:

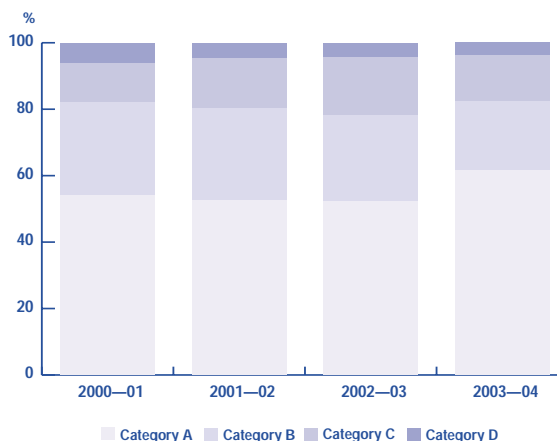
- 83.0% Pain and Suffering (79.7% in 2002–03).
- 6.1% Pecuniary Loss (5.4% in 2002–03).
- 5.3% Medical Expenses (4.6% in 2002–03).
- 2.1% Counselling Expenses (2.6% in 2002–03).
- 3.5% Other Expenses (7.7% in 2002–03).

The vast majority of compensation awards (83.0%) continued to be made for pain and suffering, which rose slightly, compared with 79.7% of awards in 2002–03.

Awards made by Legal Costs and Disbursements

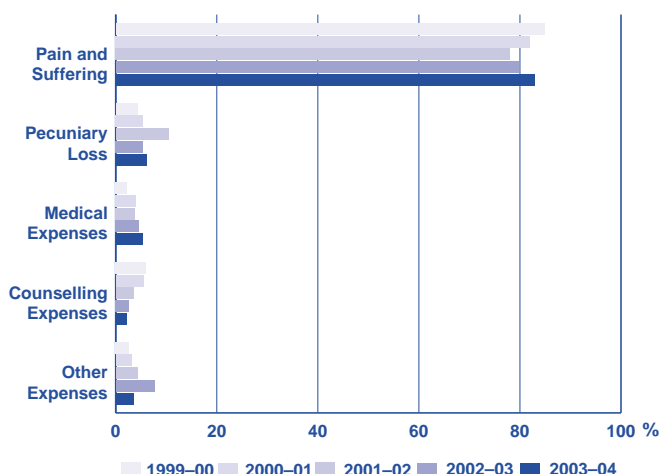
The Tribunal awarded \$2,380,290 in legal costs and disbursements during 2003–04, compared with \$2,172,642 in 2002–03, representing a 9.6% increase. Many applications involved complex issues that required legal representation, incurring associated legal costs. A Tribunal Member has discretion to award legal practitioners costs for assisting applicants with their claims. As a result of consulting key stakeholders, the VOCAT Coordinating Committee introduced a scale of costs as part of a re-examination of legal costs awarded, which was distributed to all Tribunal Members as a guide for awarding legal costs and to promote consistency.

12: Distribution of Special Financial Assistance Awarded by Category—2000–01* to 2003–04

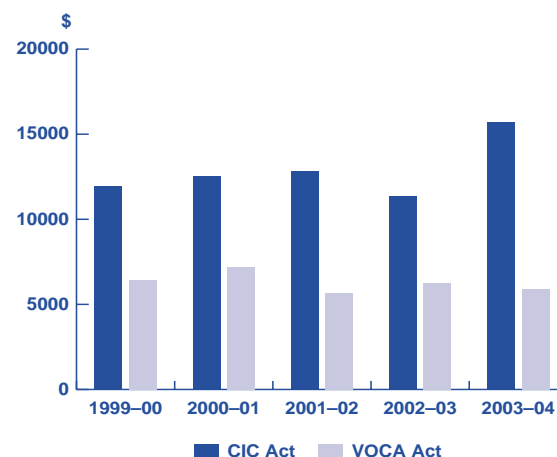


*No figures are provided for 1999–2000 since Special Financial Assistance was introduced on 1 January 2001.

13: Amount of Compensation Awards Made under CIC Act by Category—1999–2000 to 2003–04



14: Average Amount Awarded per Finalised Application* under VOCA Act and CIC Act—1999–2000 to 2003–04



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

Our Performance

Interim and Variation Awards Made

In order to provide a better representation of the work undertaken and performed by VOCAT, this Annual Report presents, for the first time, figures and statistics pertaining to interim awards and variation awards. Previously, VOCAT has only reported and provided statistical data on applications that were subject to a final determination, either by way of a final award, finalisation without an award, refused or struck out/withdrawn.

Providing 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 approach better reflects the amount of work done by the Tribunal, both by the staff and Tribunal Members. For more detailed information regarding interim awards and variation awards, refer to table on page 22.

Interim Awards

An Interim award is any award of assistance made by the Tribunal pending the final determination of an application. Both Tribunal Members and Deputy Registrars can make interim awards prior to the final determination of an application. Deputy Registrars can make interim awards in certain circumstances up to an amount of \$1,000.

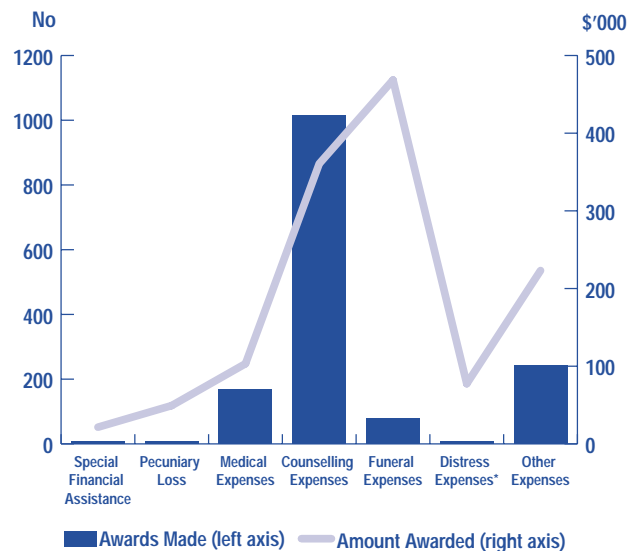
During 2003–04, Tribunal Members and Deputy Registrars awarded a total of \$1,303,805 for 1,530 interim assistance orders under the VOCA Act. The highest number of interim assistance orders related to counselling expenses, totalling 1,016, while funeral expenses attracted the highest monetary value, amounting to \$468,462.

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.

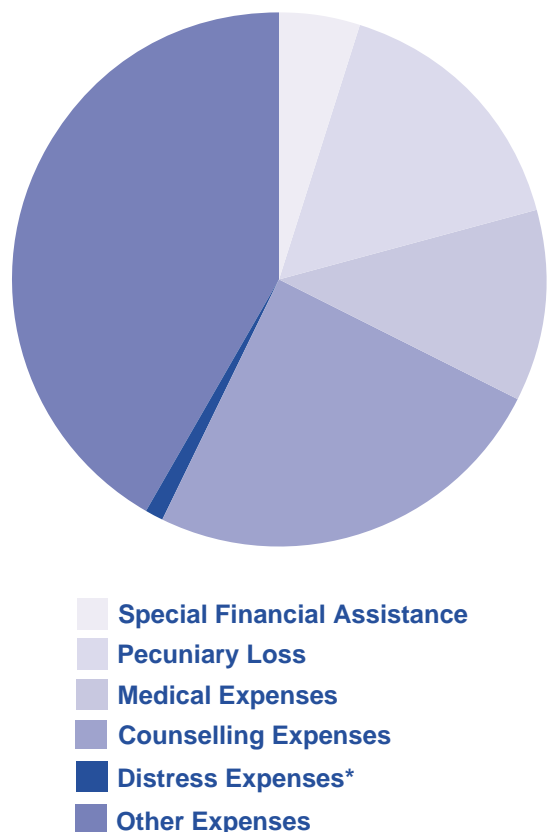
During 2003–04, Tribunal Members awarded a total of \$2,237,482 for 2,660 variation applications granted (2,602 under the VOCA Act and 58 under the CIC Act). Tribunal Members refused a total of 14 applications, including two applications under the CIC Act and 12 applications under the VOCA Act.

15: Number of Interim Awards Made under VOCA Act Compared with Total Amount Awarded by Category—2003–04



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

16: Percentage of Total Amount of Variation Awards Made by Category—2003–04



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

All Awards Made

During 2003–04, the Tribunal awarded a total of \$21,680,306 representing a total of 7,164 final awards, interim awards and variations under the VOCA Act and CIC Act, comprised as follows:

	%	\$
Special Financial Assistance	27.2	5,894,819
Pain and Suffering	1.2	260,500
Pecuniary Loss	12.1	2,623,876
Medical Expenses	4.9	1,058,543
Counselling Expenses	7.1	1,527,288
Funeral Expenses	2.8	595,016
Distress Expenses	31.2	6,776,206
Dependency	0.2	50,020
Other Expenses	13.3	2,894,038
	100.0	21,680,306

Awards Held in Trust

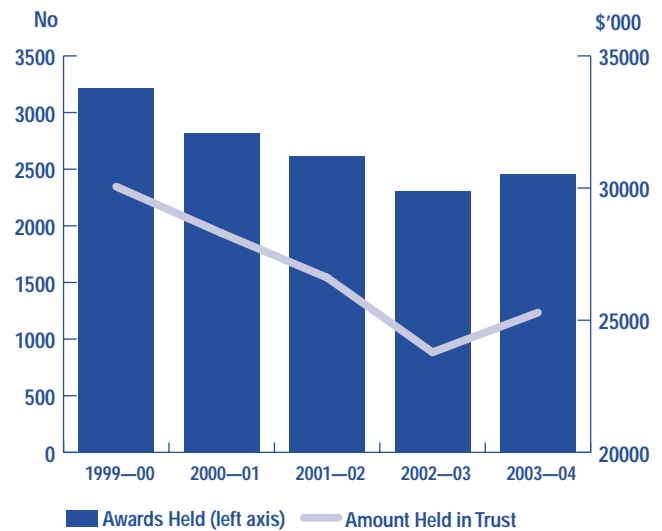
During 2003–04, the Tribunal made 362 awards that were held in Trust on behalf of crime victims, compared with 290 awards in 2002–03, representing an increase of 24.8% (72 awards).

On 30 June 2004:

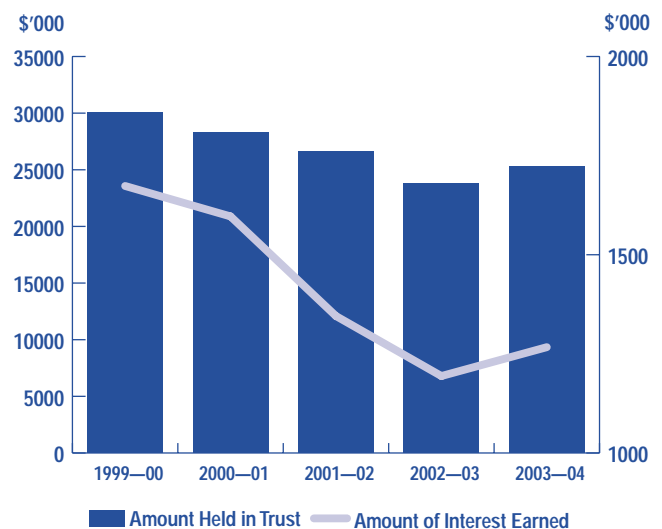
- 2,460 awards were held in Trust on behalf of victims, compared with 2,305 on 30 June 2003, representing an increase of 6.7% (155 awards).
- The Tribunal invested in Trust \$25,287,755 in relation to the 2,460 awards held in Trust, compared with \$23,786,732 in 2002–03, representing an increase of 6.1% (\$1,501,023).
- The amount of awards invested in Trust earned \$1,266,856 in interest during 2003–04, compared with \$1,194,056 in 2002–03, representing an increase of 6.0% (\$72,800).

The Tribunal holds in trust amounts awarded to 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.

17: Number of Awards Held in Trust Compared with Amount Invested at 30 June—1999–2000 to 2003–04



18: Comparison of Amount Invested in Trust and Interest Earned at 30 June—1999–2000 to 2003–04



Our Performance

Victim Profile

The following information relates to categories and demographic details regarding victims assisted by the Tribunal. Refer to page 23 for more information about victim categories.

Victim Categories

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

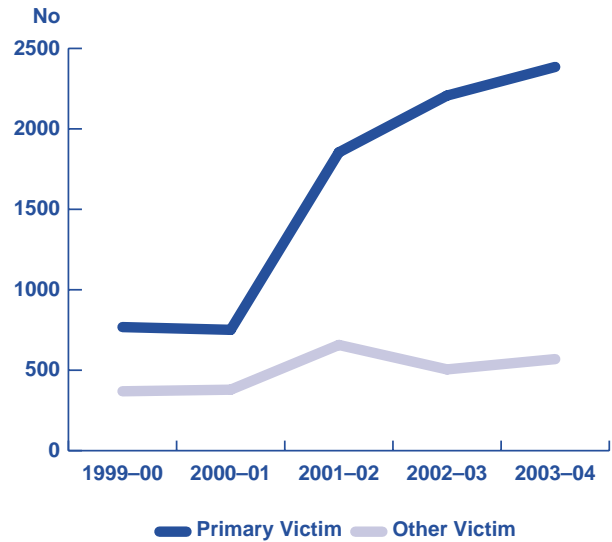
The following breakdown shows the percentage of awards made by victim category in 2003-04:

- 80.7% Primary Victims (81.4% in 2002-03).
- 6.2% Secondary Victims (6.1% in 2002-03).
- 13.1% Related Victims (12.2% in 2002-03).
- 0.0%+ Section 15 Funeral Expenses (0.3% in 2002-03).

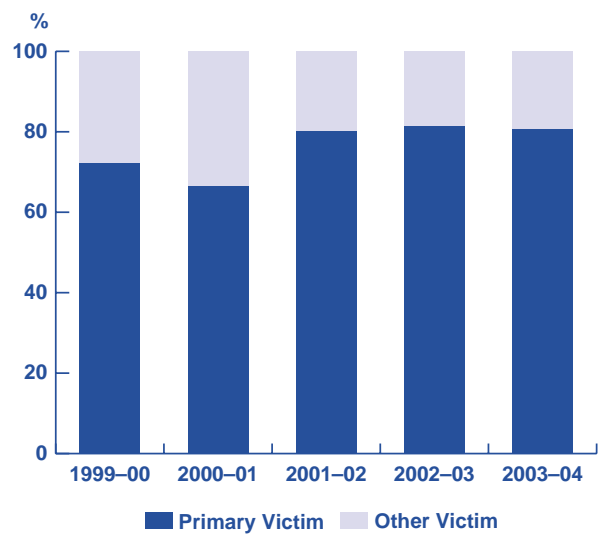
Of the 2,954 awards made in 2003-04, 2,385 awards were made in relation to primary victims, compared with 2,207 awards in 2002-03. This result represents a rise of 8.0%.

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

19: Number of Final Awards Made under VOCA Act by Victim Category—1999-2000 to 2003-04



20: Percentage of Final Awards Made under VOCA Act by Victim Category—1999-2000 to 2003-04



* The Tribunal made one Section 15 award out of 2,954 finalisations, representing 0.03%, which has been rounded down one decimal point to 0.0%.

Gender of Victims

Of the awards made under the VOCA Act and CIC Act during 2003–04:

- 50.9% (1,545 awards) related to male victims, compared with 53.2% male (1,489 awards) in 2002–03; and
- 48.8% (1,480 awards) related to female victims, compared with 46.2% female (1,293 awards) in 2002–03.

The remaining 0.3% (eight awards) related to applications where the gender had not been specified. The majority of victims continued to be male, although the percentages between male and female victims were more evenly spread during the reporting year.

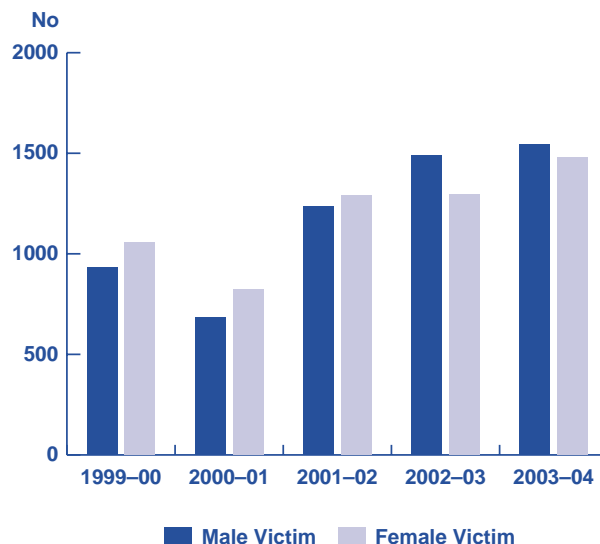
Age of Victims

Awards made under the VOCA Act and CIC Act during 2003–04 involved, at the time the act of violence occurred, persons of the following ages:

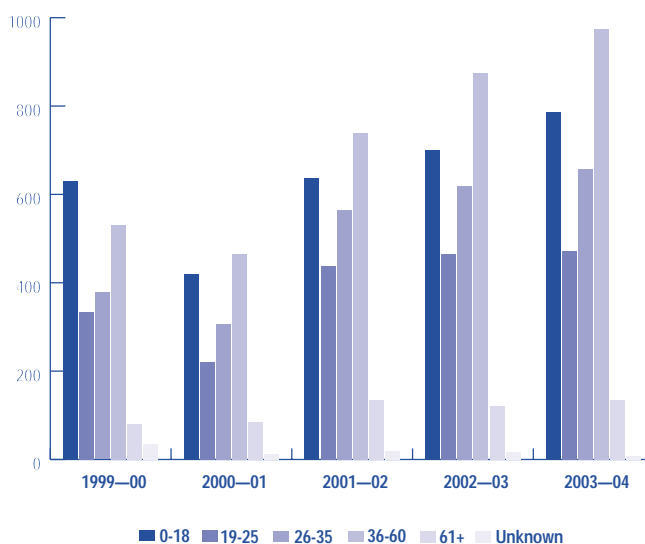
- 25.9% 18 years or less (25.0% in 2002–03).
- 15.6% 19 to 25 years (16.7% in 2002–03).
- 21.7% 26 to 35 years (22.1% in 2002–03).
- 32.1% 36 to 60 years (31.2% in 2002–03).
- 4.4% 61 years or more (4.4% in 2002–03).
- 0.3% age unknown (0.6% in 2002–03).

The majority of victims (63.2%) continued to be aged 35 years or younger.

21: Number of Finalised Applications where an Award was Made by Gender of Victim—1999–2000 to 2003–04



22: Number of Finalised Applications where an Award was Made by Age of Victim in Years—1999–2000 to 2003–04



Our Performance

Case Study: Young Man Seriously Assaulted at Train Station Applies to VOCAT

The police attend the scene of a 24-year-old male who has been seriously assaulted at a train station. Later, the police take a statement from the victim at the hospital.

The victim completes a VOCAT application and forwards it to his local Magistrates' Court. The applicant decides to pursue the application himself rather than seek legal representation.

The application is registered and given a reference number. Upon registration the Tribunal writes 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 offender.

Attached to the application is an ambulance invoice totalling \$670. Given it is under \$1,000 and the police brief is on file, a Deputy Registrar considers the invoice for payment. The Registrar is satisfied that an Interim Award should be made directly to the relevant Metropolitan Ambulance Service. The Registrar enters the order and sends out notifications to both the applicant and service provider. The cheque is forwarded shortly thereafter.

The Tribunal gives the applicant four months to file all supporting documentation. After three months the Tribunal advises that all material must be filed within 28 days. During this four-month period the Tribunal anticipates that the informant will file police material. The Tribunal continues to check on the progress of the criminal proceedings both through Courtlink and the informant.

The applicant advises the Tribunal in writing of his readiness to proceed to determination and files a Statement of Claim, indicating all expenses payable.

The file is referred to a Tribunal Member advising the applicant is ready to proceed and the alleged offender is due to appear in the County Court for a plea of guilty in two weeks' time.

The Tribunal Member advises that they are satisfied with the police material at hand and, given the alleged offender will plead guilty, the matter may be listed for hearing as requested by the applicant.

The Tribunal lists the application for a hearing date and notifies the applicant in writing. In addition, the Tribunal corresponds with the public hospital attended by the applicant and requests that the hospital produce its records at the hearing.

The Tribunal conducts the hearing of the application in a more informal manner—the rules of evidence do not apply in a Tribunal hearing. The Tribunal Member does not require sworn evidence from the applicant, since they are satisfied on the balance of probabilities from the material provided that an act of violence has occurred and the victim has been injured as a direct result of this act.

The Tribunal Member invites the applicant to speak from the bar table as to how they have been affected by the act of violence. The applicant details how his life has changed and that he is still going through a long recovery process. He continues to suffer headaches and blurred vision. While the physiotherapy has assisted greatly with his neck and back injuries, it continues to be required for quite some time. He was unable to work for two months, but has resumed his work on lighter duties. Although he had not suffered a diagnosed psychological injury, he advises he will not be travelling on public transport and tends not to venture out at night alone.

The Tribunal Member considers what the applicant has said, together with the material that has been previously filed. After a short period of consideration on the Bench, the Tribunal Member advises the applicant that an award for assistance is to be made. The award will cover payment for an amount of Special Financial Assistance and all items detailed in the Statement of Claim, including physiotherapy treatment, medication expenses and loss of earnings for the two-month period. In addition, the applicant will receive six months of physiotherapy treatment.

The applicant is advised that he may make a variation application to this award for a period of up to six years from the date the award is made (that being the hearing date). The applicant and all parties are notified in writing of the award details and cheques are forwarded to all parties within a couple of weeks of the hearing date.

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 Tribunal

The Tribunal is constituted by a single Tribunal Member for the purpose of exercising its functions, powers and duties in respect to any matter. The Tribunal can act concurrently in more than one division, and 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 Committees

The VOCAT Coordinating Committee meets monthly to discuss issues, procedures and protocols relating to the operations of the Tribunal.

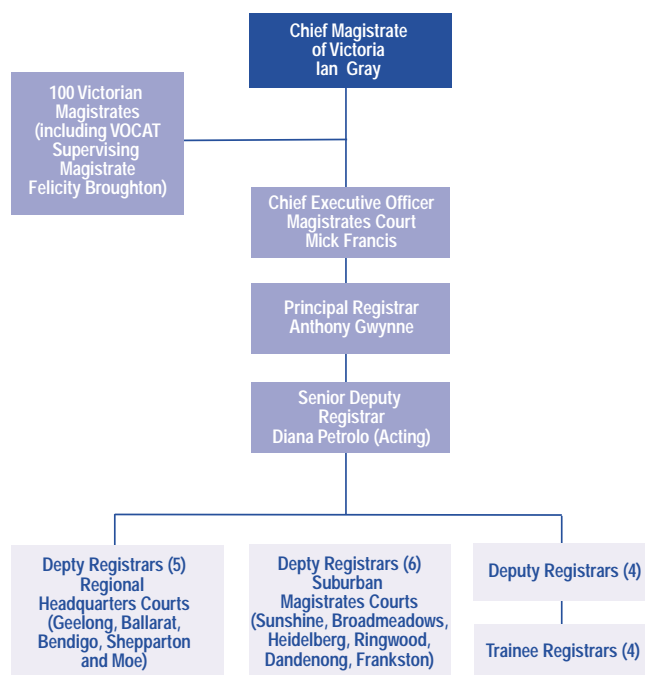
In 2003–04, the Committee comprised both Magistrates and Registrars, as follows:

- VOCAT Supervising Magistrate Felicity Broughton;
- Deputy Chief Magistrate Dan Muling; and
- Magistrates Duncan Reynolds, Susan Wakeling and Thomas Barrett.

The Registrars of the Committee were represented by:

- Principal Registrar Amanda Salvatore (until November 2003);
- Principal Registrar Anthony Gwynne (from November 2003); and
- Deputy Registrar Diana Petrolo.

Organisational Structure



Committee members consider a number of procedural matters with respect to both the operational 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.

The Tribunal appoints members to the Committee on a voluntary basis.

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 mentioned above represent the permanent staff assigned to the Magistrates' Court to perform the work of the Tribunal. However, since VOCAT forms part of the Magistrates' Court, staff at various courts are rotated through VOCAT to perform the work as required. For this reason, staffing numbers vary.

The Principal Registry at Melbourne comprises the Principal Registrar (VPS-5), 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 and 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.



In the checking stage of an application, Deputy Registrar Irene Pitrelli discusses the material submitted by an applicant with the applicant's solicitor. Irene ensures the Tribunal receives all necessary documentation before the application proceeds to hearing.

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 1999–2000 to 2003–04, and the operating statement for the 2002–03 and 2003–04 financial years are presented below.

Salaries and Operating Costs—1999–2000 to 2003–04

	2003–04	2002–03	2001–02	2000–01	1999–00
Salaries and Operating Costs	\$1,756,263	\$1,560,800	\$1,386,807	\$1,241,949	\$1,184,686

Operating Statement for the years ended 2002–03 and 2003–04

	2003–04		2002–03	
	Budget	Actual	Budget	Actual
Employee Related Costs				
Salaries	1,001,000	1,022,327	900,000	876,304
Overtime	-	-	-	-
Total Salaries and Overtime	1,001,000	1,022,327	900,000	876,304
WorkCover	12,000	7,423	10,000	10,308
Provision for Long Service Leave	40,000	18,337	10,000	40,620
Payroll Tax	50,000	52,599	50,000	48,752
Fringe Benefits Tax	-	998	-	(1,289)
Superannuation	78,000	96,245	72,000	76,321
Total Subsidiary Salary Costs	180,000	175,602	142,000	174,712
Travel and Personal Expenses	12,000	20,980	10,000	11,536
Printing Stationery and Office Requisites	63,000	50,299	65,330	61,549
Postage and Communication Expenses	55,000	55,164	22,008	23,031
Contractors and Professional Services	168,000	163,340	170,929	164,591
Training and Development	6,000	1,663	2,000	2,965
Motor Vehicle Expenses	7,000	7,009	10,000	7,486
Other Operating Expenses	3,000	5,055	2,996	2,975
Jury, Witness and Award Payments	-	318	-	145
Information Technology	168,000	169,109	145,000	168,356
Urgent Essential Works	-	-	-	200
Rent and Property Services	59,000	60,378	16,404	40,374
Property Utilities	11,000	11,751	8,333	7,069
Maintenance	20,000	13,268	20,000	19,507
Total Operating Expenditure	572,000	558,334	473,000	509,784
Total Special Appropriations	1,753,000	1,756,263	1,515,000	1,560,800

Interim Awards and Variation Awards

Interim Assistance Orders Awarded by Category under VOCA Act—2003–04*

Number of Interim Orders	2003–04		Amount of Interim Assistance	2003–04	
	No.	%		\$	%
Special Financial Assistance	8	0.5	Special Financial Assistance	21,500	1.7
Pecuniary Loss	8	0.5	Pecuniary Loss	49,311	3.8
Medical Expenses	168	11.0	Medical Expenses	103,200	7.9
Counselling Expenses	1,016	66.4	Counselling Expenses	360,689	27.7
Funeral Expenses	79	5.2	Funeral Expenses	468,462	35.9
Distress ⁺	7	0.5	Distress ⁺	77,500	5.9
Other Expenses	244	15.9	Other Expenses	223,143	17.1
Total	1,530	100.0	Total	1,303,805	100.0

Number of Variation Applications Granted and Refused—2003–04

Number of Variation Applications Granted	2003–04		Number of Variation Applications Refused	2003–04	
	No.	%		No.	%
CIC Act	58	2.2	CIC Act	2	14.3
VOCA Act	2,602	97.8	VOCA Act	12	85.7
Total	2,660	100.0	Total	14	100.0

Amount of Variation Assistance Awarded by Category under VOCA Act—2001–02 to 2003–04

Category	2001–02		2002–03		2003–04	
	\$	%	\$	%	\$	%
Special Financial Assistance	111,850	5.8	87,250	4.1	106,000	4.9
Pecuniary Loss	259,928	13.4	306,925	14.5	347,404	15.9
Medical Expenses	295,653	15.2	293,265	13.9	252,471	11.6
Counselling Expenses	689,653	35.5	1,005,950	47.6	541,309	24.8
Funeral Expenses	20,275	1.0	23,544	1.1	-	0.0
Distress ⁺	-	0.0	80,000	3.8	25,000	1.1
Other Expenses	562,890	29.0	314,375	14.9	908,108	41.7
Total	1,940,249	100.0	2,111,309	100.0	2,180,292	100.0

Amount of Variation Assistance Awarded by Category under CIC Act—2001–02 to 2003–04

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

*Statistics relating to both the number and the amount of interim awards has only been available since 16 January 2004.

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

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
Primary Victim	<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"> trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence; or trying to prevent the commission of the 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. 	Up to \$60,000 plus up to \$7,500 in special financial assistance	<p>Consisting of:</p> <ul style="list-style-type: none"> special financial assistance; counselling; medical expenses; up to \$20,000 loss of earnings; damage to clothing; and in exceptional circumstances, 'other' expenses to assist in the recovery of the victim.
Secondary Victim	<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>	Up to \$50,000	<p>Consisting of:</p> <ul style="list-style-type: none"> counselling; medical expenses; in exceptional circumstances, loss of earnings up to \$20,000; and in exceptional circumstances, 'other' expenses to assist in the recovery of the victim. <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>
Related Victim	<p>A person who, at the time of the act of violence:</p> <ul style="list-style-type: none"> was a close family member of; was a dependent of; or had an intimate personal relationship with the primary victim who has died as a result of the act of violence. <p>Related victims are not required to suffer an injury to be entitled to assistance.</p>	Up to \$50,000 for any one related victim but cumulative amount of \$100,000 for all related victims in total.	<p>Consisting of:</p> <ul style="list-style-type: none"> counselling; medical expenses; funeral expenses; distress (lump sum payments); dependency; and in exceptional circumstances, 'other' expenses to assist in the recovery of the victim.
Section 15: Assistance for Funeral Expenses	A person who has incurred funeral expenses as a result of the death of a primary victim and who is not a related victim.		Consisting of funeral expenses.

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

Location of Offences by Local Government Area

The following lists the number of finalised applications where an award was made by metropolitan and non-metropolitan local government area where the offence occurred during 2003–04.

Local Government Area	CIC Act	VOCA Act	Total	Local Government Area	CIC Act	VOCA Act	Total
Metropolitan				Colac Otway	-	12	12
Banyule	-	51	51	Corangamite	-	9	9
Bayside	-	25	25	Delatite	-	17	17
Boroondara	1	45	46	East Gippsland	-	19	19
Brimbank	1	137	138	Gannawarra	-	9	9
Cardinia	-	51	51	Glenelg	-	7	7
Casey	-	81	81	Golden Plains	-	-	-
Darebin	-	67	67	Greater Bendigo	-	67	67
Frankston	1	73	74	Greater Geelong	3	189	192
Glen Eira	1	22	23	Greater Shepparton	-	60	60
Greater Dandenong	-	123	123	Hepburn	1	7	8
Hobsons Bay	-	34	34	Hindmarsh	-	-	-
Hume	-	132	132	Horsham	-	9	9
Kingston	-	70	70	Indigo	-	11	11
Knox	1	72	73	Kilmore	-	7	7
Manningham	-	31	31	La Trobe	-	26	26
Maribyrnong	1	45	46	Lodden	-	2	2
Maroondah	-	31	31	Macedon Ranges	-	37	37
Melbourne	7	198	205	Marong	-	13	13
Melton	-	29	29	Milawa	-	29	29
Monash	-	75	75	Mildura	-	42	42
Mooney Valley	-	39	39	Mitchell	-	16	16
Moreland	-	81	81	Moira	-	42	42
Mornington Peninsula	-	80	80	Moorabool	-	5	5
Nillimbik	-	11	11	Morwell	-	20	20
Port Phillip	-	91	91	Mount Alexander	-	20	20
Stonnington	-	44	44	Moyne	-	6	6
Werribee	-	13	13	Murrindindi	-	7	7
Whitehorse	-	26	26	Northern Grampians	-	11	11
Whittlesea	-	35	35	Portland	-	1	1
Wyndham	-	49	49	Pyrenees	-	12	12
Yarra	-	54	54	Queenscliff	-	3	3
Yarra Ranges	-	40	40	South Gippsland	1	7	8
Total Metropolitan	13	1,954	1,968	Southern Grampians	-	17	17
Non-Metropolitan				Southern Rural	-	8	8
Alpine	-	8	8	Strathbogie	-	12	12
Ararat	-	10	10	Surfcoast	-	12	12
Bacchus Marsh	-	9	9	Swan Hill	-	34	34
Bairnsdale	-	17	17	Towong	-	4	4
Ballarat	2	82	84	Warrnambool	-	19	19
Bass Coast	-	4	4	Wellington	-	23	23
Baw Baw	-	24	24	West Wimmera	-	-	-
Buloke	-	3	3	Wodonga	-	18	18
Campaspe	-	13	13	Yarriambiack	-	8	8
Central Goldfields	-	11	11	Total Non-Metropolitan	7	1,058	1,065

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 2003–04.

Occupation/Profession	CIC Act	VOCA Act	Total Awards
Actor or Artist	-	5	5
Armed Forces	-	2	2
Bank or Building Society Employee	-	23	23
Children	1	83	84
Clerical	-	48	48
Driver	-	47	47
Factory Worker	-	26	26
Farmer or Farm Employee	-	11	11
Home Duties	1	327	328
Hotel or Restaurant Employee	-	32	32
Labourer	-	72	72
Lawyer	-	2	2
Manager	1	36	37
Medical Practitioner	-	2	2
Nursing Staff	-	32	32
Owner/Driver	-	4	4
Pensioner	2	172	174
Police Officer	-	54	54
Prison Officer	-	6	6
Prisoner	-	1	1
Professional	-	91	91
Process Server	-	3	3
Public Service Employee	-	15	15
Public Transport Employee	-	8	8
Retired	-	47	47
Sales Person	-	67	67
Security Guard	-	33	33
Self Employed	-	27	27
Service Station Employee	-	7	7
Sheriff's Officer	-	1	1
Storeman	-	24	24
Student	6	502	508
Taxi Driver	-	10	10
Teacher	-	1	1
Technician	-	12	12
Tradesperson	-	103	103
Unemployed	3	235	238
Other	6	842	848
Total	20	3,013	3,033

Awards Made by Offence Description

The following lists the number of finalised applications where an award was made by the description of offence leading to the application being made.

Criminal Act	CIC Act	VOCA Act	Total
Aggravated Burglary	-	115	115
Armed Robbery	-	148	148
Armed Robbery—Bank	-	18	18
Arson	-	9	9
Assault	6	1257	1263
Assault—OABH*	-	7	7
Assault by Kicking	-	-	-
Assault and Robbery	-	45	45
Assault with a Weapon	-	48	48
Attempted Murder	-	42	42
Attempting to Apprehend an Offender	-	2	2
Attempted Rape	-	6	6
Blackmail	-	1	1
Burglary	-	14	14
Causing an Explosion	-	1	1
Conduct Endangering Life	-	-	-
Cause Injury Intentionally or Recklessly	-	116	116
Cause Serious Injury	-	66	66
Culpable Driving	-	142	142
Hinder Police	-	1	1
Incest	3	40	43
Indecent Assault/Attempted Rape	10	376	386
Kidnapping /False Imprisonment	-	12	12
Malicious Wounding	-	2	2
Manslaughter	-	5	5
Murder	-	245	245
Negligently Cause Serious Injury	-	9	9
Other Offences	-	98	98
Rape	-	118	118
Stalking	-	4	4
Sexual Assault	-	4	4
Threats	-	11	11
Threats to Kill	-	41	41
Threats to Inflict Serious Injury	-	2	2
Theft	1	-	1
Trying to Aid/Rescue Victim	-	5	5
Trying to Prevent Commission of Offence	-	3	3
Total	20	3,013	3,033

*OABH refers to the offence description of 'occasioning actual bodily harm'.

Directory of Tribunal Members

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Mr Paul Douglas Grant

Mr Peter Henry Lauritsen

Mr Daniel John Muling

Ms Jelena Popovic

State Coordinating Magistrate

Mr Paul Anthony Smith

State Coroner

Mr Graeme Douglas Johnstone

Deputy State Coroner

Mr Iain Treloar West

Regional Coordinating Magistrates

Ms Kathryn Helen Auty

Mr Bernard Joseph Coburn

Ms Jillian Mary Crowe

Mr John William Doherty

Mr John Philip Dugdale

Mr William Paterson Gibb

Mr Robert Krishnan Ashok Kumar

Ms Kay Helen Macpherson

Mr Lance Ivan Martin

Ms Christine Anne Stewart-Thornton

Mr Ian Maxwell von Einem

Supervising Magistrates

Ms Lisa Anne Hannan (Criminal)

Mr Peter Henry Lauritsen DCM (Civil)

Ms Jennifer Anne Benn Goldsbrough (CFV)

Mr Felicity Anne Broughton (VOCAT)

Mr Daniel John Muling DCM (IT)

Magistrates

Mr Henry Clive Alsop

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

Mr Andrew Thomas Capell

Mr James Maxwell Brooke Cashmore

Mr Brian Joseph Clifford

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 Caitlin Creed English

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Roger Wilson Franich

Mr Phillip Goldberg

Mr Maurice Gurvich

Mr Harold Rupert Hallenstein AM

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
Mr Frank William Dudley Jones
Mr Jonathan George Klestadt
Ms Elizabeth Anne Lambden
Ms Catherine Frances Lamble
Mr Nunzio La Rosa
Mr Gregory John Zalman Levine
Mr Timothy John McDonald
Mr Ian Thomas McGrane
Mr Rowan George McIndoe
Mr Gregory Laurence McNamara
Mr Colin Eunan Macleod
Mr Clive James McPherson
Mr Reginald John Marron
Ms Anne Jeanette Maughan
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 Ronald Norman Saines

Mr Michael Leslie Smith
Ms Paresa Antoniadis Spanos
Mr Alan John Spillane
Ms Heather Margaret Spooner
Mr Michael Henry Lewis Stone
Ms Noreen Mary Toohey
Mr Robert Leslie Tuppen
Ms Susan Melissa Wakeling
Ms Belinda Jane Wallington
Mr Hugh Malcolm Walter
Mr William Peter White
Mr Brian Philip Wynn-Mackenzie

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:

- (e) trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence;
- (f) trying to prevent the commission of an act of violence; or
- (g) 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.

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.

Contact Information

Metropolitan Magistrates' Court Locations

BROADMEADOWS

Cnr. Pearcedale Pde and Dimboola Rd,
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

Cnr. Timor and Gillies Streets,
PO Box 244, Warrnambool 3280
Tel: 5562 2444 Fax: 5561 1403

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 31 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 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 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
Web site: www.vocat.vic.gov.au**