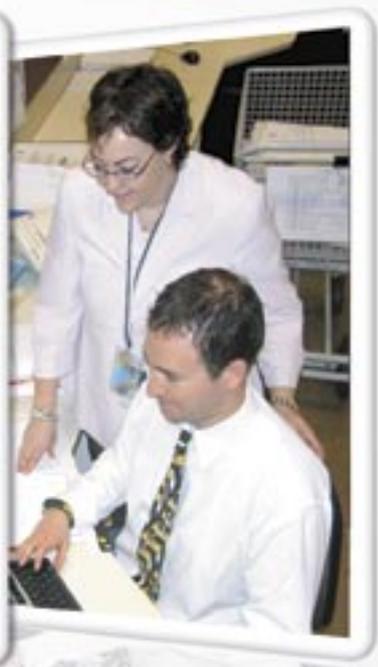


# Victims Of Crime Assistance Tribunal



Annual Report 2005 - 06



It is the role of the Victims of Crime Assistance Tribunal (VOCAT) to acknowledge victims of crime in the Victorian community by recognising their suffering and by providing financial assistance for their recovery.

In 2005-06 the Tribunal consolidated its capacity to respond efficiently and effectively to applicants. Applications were finalised with increased timeliness and urgent interim awards of assistance were dealt with by Registrars and Tribunal Members to ensure that help was received when it was most needed. Initiatives to increase community awareness of, and access to, the Tribunal resulted in a significant increase in applications received.

The Tribunal continued to emphasize the importance of communication with the community. Registrars and Members of the Tribunal participated in a total of 78 community consultations for the purpose of increasing awareness of the Tribunal, providing education regarding the Tribunal's processes and strengthening relationships with other agencies concerned with the needs of victims of crime. Attendance at these sessions extends our understanding of and empathy with the experience of victims of crime.



Chief Magistrate Ian Gray

## Aboriginal Victims of Crime

In 2004 the Tribunal commenced a review of its capacity to respond in an effective and culturally appropriate way to Aboriginal victims of crime. A growing body of evidence suggests that the Aboriginal community is disproportionately represented as victims of violent crime. This was not being reflected in applications to the Tribunal. In 2004 the Tribunal hosted a forum which was attended by leaders from the Aboriginal community and by representatives of the Department of Justice, the Magistrates' Court and legal services. A number of key strategies to address the issue of the community's access to the Tribunal were then identified.

Subsequently the Indigenous Issues Unit of the Department of Justice convened a working group, on which the Tribunal is represented.

In a joint initiative with the Victims Support Agency (VSA) and Statewide Regional Aboriginal Justice Advisory Committees (RAJACs), a series of 29 information sessions were conducted throughout metropolitan and regional Victoria. In addition to their educative role, these sessions, attended by Registrars and Tribunal Members, facilitated communication between service providers and afforded indigenous victims an opportunity to speak directly to the Tribunal.

A Koori VOCAT list will operate from the 1st July 2006 as a pilot for a period of two years to better achieve the purposes and objectives of the Victims of Crime Assistance Act 1996 in relation to indigenous applicants.

It is anticipated that the list will promote consistency, the identification of common features of applications and the development of appropriate procedural innovations.



Richard Fry, Elsie Coates, Nelli Flagg, David Tournier, Joleen Ryan and Philip Maxsted

## Victims Support Agency

The jointly run information sessions regarding VSA's services and VOCAT procedures and entitlements have proven to be a very effective means of assisting victims of crime and service providers to navigate the victims' assistance system.

The Tribunal has worked cooperatively with the VSA in the development of its initiatives to improve access to the Tribunal for the indigenous community. Additionally the Tribunal and VSA jointly completed a series of seminars to psychologists and counsellors describing the schemes operated by each for the funding of counselling services to victims. VOCAT Registrars and Tribunal Members participated actively in 50 community consultations held by the VSA throughout Victoria regarding a proposed Charter of Victims Rights.

VOCAT and VSA met regularly throughout 2005-06 to progress the production of counselling benchmarks and to promote a coordinated response to victims needs.

## Information for the Community

Tribunal Members and Registrars provided information to the Victorian community through continuing legal education sessions, sessions undertaken with psychologists, participation on Victims Assistance & Counselling Program (VACP) steering committees, representation on the Justice Working Group into Information for Victims and Witnesses, and by maintaining current information on the VOCAT website. Visits to the website increased from 6,669 in the 2004-05 year to an impressive 19,400 in 2005-06.

Publication of the five VOCAT information pamphlets in nine community languages on the VOCAT website will considerably improve access to the Tribunal for non-English speaking victims of crime.

Access to the Tribunal for victims of family violence is enhanced by the inclusion of VOCAT applications in the work of the Family Violence Court Division at Ballarat and Heidelberg Magistrates' Courts. The Tribunal has also participated in the design and development process with regard to the Neighbourhood Justice Centre. The Tribunal is receptive to a flexible approach to delivering assistance to eligible victims.

On 1 October 2005 the Tribunal made the transition to a revised Application for Assistance form and Information Guide to simplify the application process and capture crucial data.

## Acknowledgements

I wish to acknowledge the dedication and commitment of all VOCAT Registrars in undertaking with diligence and empathy the administration of the Tribunal. Acting Principal Registrar Jan Dundon has made a particular contribution to the promotion of the community's awareness of and access to their entitlement to assistance in the Tribunal.

The operation of the Tribunal is overseen by the VOCAT Coordinating Committee. Their diligent work is commended.

The determination of applications to the Tribunal is a task undertaken by each Magistrate of the Magistrates' Court of Victoria. It is a rewarding but frequently challenging one and I sincerely thank them for their dedication to it.

I also wish to acknowledge and thank Sue Wakeling the Supervising Magistrate of the VOCAT jurisdiction. She has chaired the coordinating committee and, with them, led the way with the initiatives described above.



Supervising VOCAT Magistrate Susan Wakeling

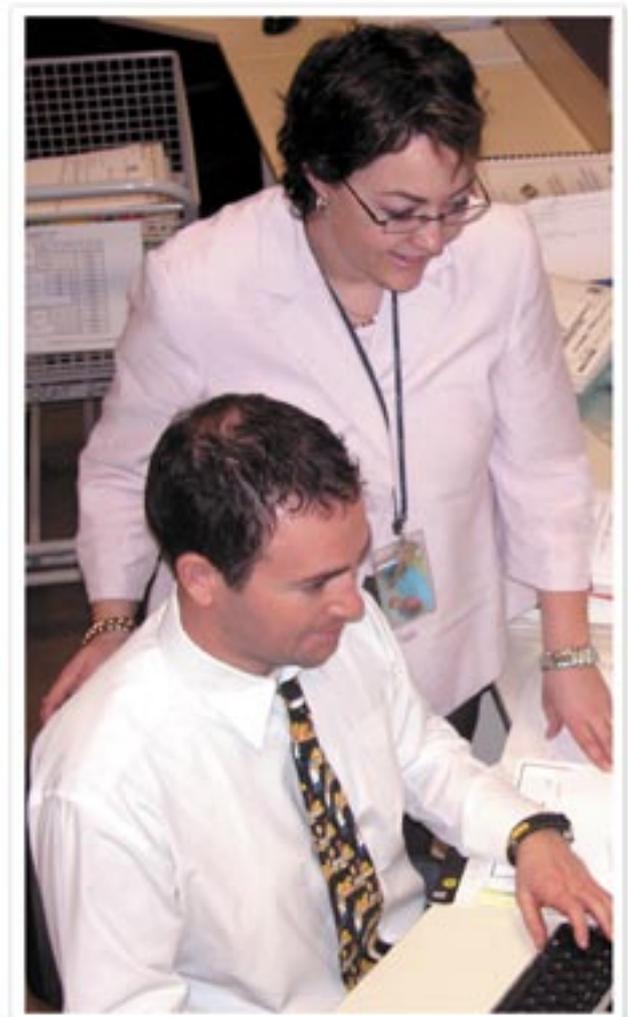


## Community

- Increased access for Koori victims of crime through participation by Tribunal Members and Registrars in 29 information sessions designed to inform and build relationships with the community and services, and the development of the Koori VOCAT list to commence on 1 July 2006.
- Active participation by Registrars and Tribunal Members in the community consultations regarding a proposed Charter of Victims Rights, increasing awareness of the experience of victims within the Tribunal, and providing information regarding the role of the Tribunal to the participants.
- Increasing awareness of the Tribunal amongst the legal profession through continued delivery of education to members of institutions including Victoria Legal Aid, Loddon Campaspe Community Legal Centre, Leo Cussen Institute and the Public Interest Law Clearing House (PILCH).
- Increased access to the Tribunal by continued improvements to the website at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au). Visits to the site for the year totalled 19,400, an increase of over 12,000 on the previous year. Our top downloads were previous Annual Reports, the Counsellors Qualifications Form and our Primary Victim brochure translated into Italian.
- Increased access for non-English speaking victims of crime by publishing the five VOCAT pamphlets in nine community languages on the VOCAT website.
- Continued support of the Victims Assistance and Counselling Programs (VACPs) by participation of VOCAT Registrars in steering committees and education sessions across the state.
- Improved access to the Tribunal for victims of family violence through inclusion of VOCAT applications in the work of the Family Violence Court Division at Ballarat and Heidelberg courts.

## Administration

- Improved service to stakeholders, health professionals and the public through development of downloadable and electronic forms on the VOCAT website.
- Improved performance monitoring and reporting through development of Cases Pending report and Family Violence Court Division statistics.
- Improved consistency and skills of VOCAT Registrars through training by Melbourne Registrars of over 15 staff.
- Introduced Practice Direction 1/2006 to establish the Koori VOCAT List.



Principal Registrar Jan Dundon and Deputy Registrar Bernie Whitney

	2005 - 06		2004 - 05	
	\$	Number	\$	Number
Total of all awards made	<b>\$22,524,312.30</b>	<b>6,727</b>	<b>\$27,400,059.75</b>	<b>7,758</b>
Interim Awards made	\$1,180,197.23	1,636	\$1,577,547.34	1,657
Final Awards made	\$18,757,283.67	2,809	\$23,180,989.38	3,055
Variation awards made	\$2,410,846.55	2,039	\$2,552,538.50	2,815
Legal costs including disbursements at unspecified hearing types#	\$124,639.85	221	\$61,024.98	203
Reviews of VOCAT decisions determined at VCAT (Appeals)	\$51,345.00	22	\$27,959.55	28
Awards invested in trust	\$2,659,101.00	333	\$4,721,473.00	405
Total interest earned by awards held in trust	\$191,801.10	na	\$741,221.00	na
Applications lodged		4,470		3,772
Applications finalised		4,188		5,160
Applications pending		4,370		3,946
<i>Outcome of Applications Resulting in No Award Being Made:</i>				
Other Disposal^		0		52
Refused		91		93
Withdrawn/struckout		1,111		1,752
Section 32/48 orders (costs allowed between solicitor & client)		2		5
Costs only/costs refused		175		203
		%		%
Applications finalised within 9 months*		53.8		43.3
Applications finalised within 12 months*		67.7		58.4
Applications pending for less than 9 months as at 30 June		62.9		60.3
Applications pending for less than 12 months as at 30 June		73.3		70.5

# Footnote: Total amount reported for interim, variation and final awards include legal costs. These are awards of legal costs which have not been attributed to any particular hearing type. See 'All Awards' table for details.

^ Footnote: Where an application is finalised without a final award or order being made or where interim awards have been granted and no further assistance from the Tribunal is required.

\* Footnote: Changed source for 2004-05 figures to Court Services Clearance Rate and Pending Caseload Reports.

## Case Processing Times

The Tribunal is required by the *VOCA Act 1996* and by legal precedent 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.



## Who We Are

The Victims of Crime Assistance Tribunal (VOCAT) was created by the *Victims of Crime Assistance Act 1996* (VOCA Act).

The Tribunal operates throughout Victoria, offering recognition and assistance to victims of crimes involving an act of violence. The Tribunal provides financial assistance to the victim 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.

The Tribunal 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 if the applicant lodges an application for extension of time and can satisfy the Tribunal that special circumstances exist.

## What We Do

The Tribunal'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 recognition of significant adverse effects experienced or suffered by 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.

The Tribunal comprises more than 100 Magistrates who sit as Tribunal Members to hear and determine applications for assistance. Tribunal 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 to Apply

To apply, an applicant completes and returns an Application for Assistance Form to the Tribunal closest to his or her residence. Those classified as 'Related Victims' must lodge their applications at the Principal Registry in Melbourne. In the event of multiple applications arising from one incident, the applicant must lodge an application at the Tribunal closest to where the offence occurred.

To assist in completing the application, an Information Guide is attached to the application form.

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

From the time the Application for Assistance is filed an applicant may seek to access interim awards for urgent expenses.

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.

An injury may be physical or psychological. An act of violence is an offence punishable by imprisonment involving an assault or injury or threat of injury.

Most sexual offences are acts of violence.

Persons who have suffered injury 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) are primary victims who may be entitled to assistance for:

- reasonable counselling expenses;
- reasonable medical expenses;
- loss of earnings; and
- loss of or damage to clothing resulting from the 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 particular circumstances of the applicant.

The Tribunal 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.

Persons who have suffered injury as a direct result of witnessing an act of violence (such as a child who witnessed family violence or parents who are injured as a direct result of becoming aware that their child was the victim of an act of violence) are secondary victims 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.

Special financial assistance is not available to secondary victims.

Assistance is also available to people closest to a victim killed as a consequence of an act of violence.

Under the *VOCA Act 1996* the amount of assistance available to an applicant in relation to any act of violence is limited.

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 if the applicant did not cooperate with the investigation or prosecution of any offence, unless the Tribunal finds that special circumstances exist to explain this.

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 or a finding of guilt 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 determining whether to make an award of assistance.

In some circumstances, the Tribunal Member may consider it appropriate to give an alleged offender the opportunity to participate in the hearing. An applicant is always given the opportunity to object to this procedure.

The Tribunal 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 and results of any police investigation.



Tribunal Member Malcolm Walter



## 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.

## Awards held in Trust

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 the Tribunal for a person under a disability be transferred to the Senior Master of the Supreme Court.

The legislation defines a 'person under disability' as:

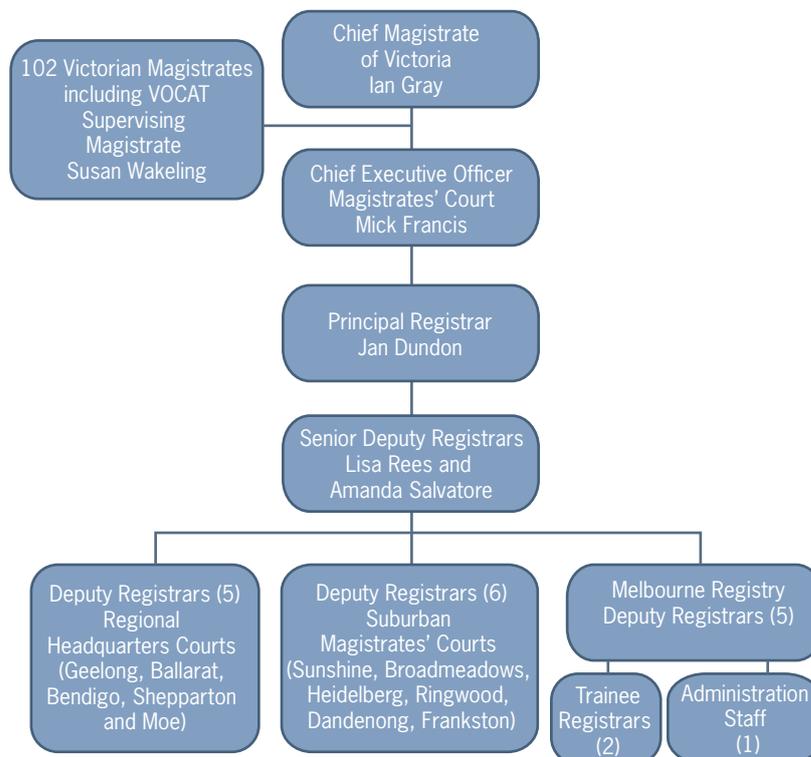
- (a) a minor (person under the age of 18); or
- (b) a person who is incapable, by reason of injury, disease, senility, illness or physical or mental infirmity, of managing his or her affairs in relation to the proceeding.

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 the Tribunal can determine applications for variation.

This year the Tribunal has continued to transfer all relevant awards where the victim is under a disability to the Senior Master's Office.

## 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.



Organisational Structure as at 30 June 2006

## The VOCAT Coordinating 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 Tribunal Members receive a copy of the minutes of each Committee meeting.

In 2005–06, the Committee comprised both Tribunal Members and Registrars, as follows:

- Susan Wakeling, VOCAT Supervising Magistrate;
- Dan Muling, Deputy Chief Magistrate; and
- Magistrates Felicity Broughton, Duncan Reynolds, Thomas Barrett, Jane Patrick, Jeanette Maughan and Audrey Jamieson.

The Registrars of the Committee were represented by:

- Jan Dundon, Principal Registrar; and
- Lisa Rees, Senior Deputy Registrar.

Committee members consider a number of matters with respect to both the role of the Tribunal Members 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;
- changes to the practices and procedures of the Tribunal to enhance its operation and efficiency; and
- community education initiatives.



Principal Registrar Jan Dundon



## Tribunal Staff

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

The Principal Registry at Melbourne comprises the Principal Registrar (VPS-6), the Senior Deputy Registrar (VPS-4), five Deputy Registrars (VPS-3), two Trainee Registrars (VPS-2) and one administrative officer who are assigned to perform the work of the Tribunal.

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 knowledge of the legislation, practices and procedures.



Tribunal Staff at Melbourne Registry Back row -r Bernie Whitney, Clare Francis, Melissa Biram, Ashe Whitaker and Lisa Rees.  
Front row -r Christy Giardina, Susan Wakeling, Jan Dundon and Fergus Dunipace

An eligible victim of an act of violence under the VOCA Act 1996 will receive an award as a primary, secondary or related victim.

A primary victim is a person who is injured or dies as a result of :

- an act of violence committed against him or her
- trying to arrest someone he or she believes, on reasonable grounds, has committed an act of violence
- trying to prevent the commission of an act of violence
- trying to aid or rescue someone he or she believes is the victim of an act of violence.

A secondary victim is a person who is present at the scene of an act of violence and who is injured as a direct result of witnessing that act.

## Special Financial Assistance Category

A primary victim under the VOCA Act 1996 is entitled to a payment of special financial assistance. There are four categories of special financial assistance\*.

A category A offence is any offence that involves-

- the sexual penetration of a person; or
- attempted murder.

A category B offence is any offence that involves-

- the attempted sexual penetration of a person; or
- an indecent act with, or indecent assault against a person; or
- armed robbery; or
- aggravated burglary; or
- deprivation of liberty of a person for the purpose of sexual penetration or demanding any ransom for their release.

A person is also a secondary victim if he or she is injured as a direct result of becoming aware that his or her child, who is under 18 years of age, has been the victim of an act of violence.

A related victim is a person who, at the time of the act of violence:

- was a close family member of; or
- was a dependant of; or
- had an intimate personal relationship with - a person who has died as a result of the act.

## 1. Number of Final VOCA Act Awards made by Victim Type

Primary	2,332
Secondary	194
Related	247
<b>TOTAL</b>	<b>2,773</b>

A category C offence is any offence that involves-

- an attempt to commit a category B act of violence; or
- a threat of death; or
- conduct endangering life; or
- inflicting serious injury; or
- robbery.

A category D offence is any offence that involves-

- an attempt to commit a category C act of violence; or
- a threat of injury; or
- an assault against a person; or
- an attempted assault; or
- 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.

\*Footnote: These categories operate subject to Regulation 6 of the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000

## 2. Amount of Special Financial Assistance paid by Category under the VOCA Act

Category	Interim	Final	Variation	Total
A	\$ 15,000.00	\$ 3,734,750.00	\$ 75,500.00	\$ 3,825,250.00
B	\$ -	\$ 1,172,650.00	\$ 10,000.00	\$ 1,182,650.00
C	\$ 2,000.00	\$ 882,450.00	\$ 2,550.00	\$ 887,000.00
D	\$ -	\$ 165,150.00	\$ 500.00	\$ 165,650.00
<b>TOTAL</b>	<b>\$ 17,000.00</b>	<b>\$ 5,955,000.00</b>	<b>\$ 88,550.00</b>	<b>\$ 6,060,550.00</b>



### 3. Criminal Acts identified by Applicant where final award made

Criminal Act	%
Aggravated burglary	3.73%
Armed robbery	4.23%
Armed robbery - bank	0.64%
Armed robbery - TAB	0.18%
Arson	0.14%
Assault	42.39%
Assault and robbery	0.75%
Assault by kicking	0.04%
Assault occasioning actual bodily harm	0.11%
Assault with a weapon	1.35%
Attempted murder	1.28%
Attempted Rape	0.25%
Attempting to apprehend an offender	0.07%
Cause injury intentionally or recklessly	4.23%
Cause serious injury intentionally	2.95%
Causing an explosion	0.00%
Conduct endangering life	0.75%
Culpable driving	2.45%
Hinder police	0.04%
Incest	0.57%
Indecent assault	5.75%
Kidnapping/false imprisonment	0.75%
Malicious wounding	0.04%
Manslaughter	0.14%
Murder	6.92%
Negligently cause serious injury	0.28%
Other offences	2.34%
Rape	4.40%
Robbery	0.85%
Sexual assault	8.84%
Stalking	1.38%
Threats	0.28%
Threats to inflict serious injury	0.14%
Threats to kill	1.63%
Trying to aid/rescue victim	0.07%
Trying to prevent commission of offence	0.04%
<b>TOTAL</b>	<b>100.00%</b>

### 4. Final Awards made by Region\*

Region	%
Melbourne	22.35%
Ballarat	6.98%
Bendigo	6.12%
Broadmeadows	10.71%
Dandenong	9.08%
Frankston	5.45%
Geelong	4.31%
Heidelberg	7.05%
Moe	4.31%
Ringwood	7.80%
Shepparton	5.38%
Sunshine	10.46%
<b>TOTAL</b>	<b>100.00%</b>

### 5. Percentage of Final Awards made by Gender and Age of Applicants

	MALE	FEMALE	TOTAL
0-18	22.25%	28.65%	25.45%
19-25	19.90%	11.83%	15.87%
26-35	20.68%	21.60%	21.14%
36-60	32.41%	34.00%	33.20%
61+	4.41%	3.71%	4.06%
Age unknown	0.35%	0.21%	0.28%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

## Application for Assistance by Victim of Domestic Violence

Lynette was assaulted by her former domestic partner with whom she had three children. She reported the assault to police and they commenced an investigation. Her physical injuries were bruising and soreness and she had consulted her doctor about high levels of stress and an inability to sleep. Both she and her children were traumatised by the assault.

Lynette contacted the Victims of Crime Helpline to enquire about help available to her. The Helpline referred Lynette to her local Victims Assistance and Counselling Program (VACP) and an appointment was made to attend with her at her nearest Magistrates' Court. A counsellor at the VACP was able to begin working with Lynette and her children without delay.

At the Court Lynette was interviewed by the Family Violence Registrar, who had specialist training in the nature and dynamics of family violence. Through the interview it became clear that Lynette and her children would not be safe from further violence if they returned to their home, and that they needed the protection of an Intervention Order. Suitable accommodation with a local women's refuge was not available for three weeks, so the VACP worker made enquiries about the cost of accommodation at a nearby motel. The VACP worker and Lynette also arranged quotes for the costs of removal and storage of her and her children's personal belongings. These costs were beyond Lynette's immediate means and help was not available elsewhere.

The Family Violence Registrar consulted with the Victims of Crime Assistance Tribunal registrar at Court

about these expenses. Lynette was advised of the assistance which might be available to her if she made an application for an urgent award of assistance with the Victims of Crime Assistance Tribunal (VOCAT). She was assisted to immediately complete an Application for Assistance as a primary victim of assault and to make an interim application for the expenses associated with accessing safe accommodation for her family.

Both the application for an Interim Intervention Order and the urgent VOCAT application were listed for a hearing on that day. Lynette was offered legal representation, but felt she was able to make these applications herself.

In the afternoon Lynette's application for an interim Intervention Order and her interim VOCAT application were considered by a Magistrate. All Magistrates of the Magistrates Court are also Tribunal Members in the Victims of Crime Assistance Tribunal. After hearing Lynette's evidence the Magistrate ordered an Interim Intervention Order for the protection of Lynette and her children, and authorised the payment of the urgent expenses in the Victims of Crime Assistance Tribunal.

Lynette and her family moved into the motel that afternoon, and arranged for their belongings to be removed and stored later that week.

The support and procedures available to assist Lynette helped her to quickly access an award that contributed to ensuring the safety of her family at a critical time; allowing them to begin the process of recovery.

The name of the Applicant has been changed to protect her privacy.



Jason Morks, Christy Giardina, Melissa Biram and Fergus Dunipace

The Victims of Crime Helpline phone number is: 1800 819 817



## Awards made under the Criminal Injuries Compensation Act 1983

In the 2005-06 VOCAT Annual Report the small numbers of Criminal Injuries Compensation Act 1983 (CIC Act) awards are no longer reported separately in each section, but are included in the overall statistics. This financial year eight awards were made under the CIC Act. \$155,719.40 was awarded in compensation and expenses. \$36,831.99 was awarded in variation of awards previously made under CIC Act.

## Outcome of Applications

### 6. Outcome of Applications for Assistance by number

Award Made	No.
Primary Victim	2332
Secondary Victim	194
Related Victim	247
Funeral Expenses Only	1
Finalised*	35
<b>Subtotal where award made</b>	<b>2809</b>
Refused	91
Withdrawn/struckout^	1,111
Section 32/48 costs	2
Cost only/Costs refused	175
<b>Subtotal where no award</b>	<b>1379</b>
<b>TOTAL</b>	<b>4188</b>

\* Footnote –This figure includes awards made under the CIC Act and determinations made under the VOCA Act not resulting in an immediate financial award.

^ Footnote –at the date of report.

### 7. Amount of Final Awards

Amount \$	%.
Under \$1,000	15.42%
\$1,001-\$3,000	30.62%
\$3,001-\$5,000	14.81%
\$5,001-\$7,500	10.19%
\$7,501-\$10,000	10.41%
\$10,001-\$20,000	12.61%
\$20,001-\$30,000	4.09%
\$30,001-\$60,000	1.85%
<b>TOTAL</b>	<b>100.00%</b>

## 8. Interim Awards granted by Category

Category	No.
Special Financial Assistance	4
Loss of Earnings	7
Medical	276
Other (inc clothing)	201
Counselling	1,338
Distress	2
Funeral	70
<b>TOTAL*</b>	<b>1,898</b>

\* Footnote –one interim award may include more than one category

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.

## 9. Reviews

	No.
<b>Reviews (Appeals) Lodged</b>	<b>32</b>
<b>Result of Reviews</b>	<b>No.</b>
Award made on Appeal (against refusal by VOCAT)	1
Award or order of VOCAT varied on Appeal	2
Appeal dismissed*	2
Order of VOCAT affirmed	10
Appeal struck out / withdrawn	7
<b>TOTAL APPEALS FINALISED</b>	<b>22</b>

\* Footnote: Includes dismissed for non-attendance.

## 10. Amount of all Awards by Type 2005-06

	\$	\$	\$	\$	\$	\$
	interim	final	variation	Review by VCAT	unspecified	TOTAL
Special Financial Assistance	17,000.00	5,955,000.00	88,550.00	0.00	0.00	6,060,550.00
Pain and Suffering	0.00	138,000.00	0.00	0.00	0.00	138,000.00
Loss of Earnings	53,447.11	2,083,406.59	326,491.76	0.00	0.00	2,463,345.46
Dependency	0.00	170.00	0.00	0.00	0.00	170.00
Medical	127,159.06	1,009,236.59	491,192.81	7,600.00	0.00	1,635,188.46
Other (inc clothing)	156,789.78	2,074,275.24	740,648.12	317.00	0.00	2,972,030.14
Counselling	439,380.69	1,018,610.74	641,635.04	1,428.00	0.00	2,101,054.47
Distress	10,000.00	4,205,720.36	12,500.00	42,000.00	0.00	4,270,220.36
Funeral	376,420.59	112,782.59	19,298.97	0.00	0.00	508,502.15
Legal Costs (inc costs only and disbursements)	0.00	2,160,081.56	90,529.85	0.00	124,639.85	2,375,251.26
<b>TOTAL</b>	<b>1,180,197.23</b>	<b>18,757,283.67</b>	<b>2,410,846.55</b>	<b>51,345.00</b>	<b>124,639.85</b>	<b>22,524,312.30</b>

## 11. Amount of all Awards by Type 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 (Loss of Earnings)	36,079.50	2,333,792.48	217,542.06	0.00	0.00	2,587,414.04
Dependency	0.00	91,106.85	0.00	0.00	0.00	91,106.85
Medical	157,169.34	1,003,096.08	484,225.86	0.00	0.00	1,644,491.28
Other (inc clothing)	205,106.13	1,942,584.83	860,220.91	0.00	0.00	3,007,911.87
Counselling	778,836.83	1,063,981.35	715,413.18	0.00	0.00	2,558,231.36
Distress	0.00	8,011,813.37	109,650.00	0.00	0.00	8,121,463.37
Funeral	376,355.54	191,704.52	1,628.00	0.00	0.00	569,688.06
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>

\* Footnote - applications which don't result in any other award.



The Victorian Government allocates the Tribunal 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 operating statements for 2004–05 and 2005–06 are presented below.

## Operating Statement for the Years Ended 2004-05 and 2005-06

	2005 - 06		2004 - 05	
	Budget	Actual	Budget	Actual
SPECIAL APPROPRIATIONS	\$	\$	\$	\$
Operating Expenses				
Salaries	1,122,800	1,024,457	1,057,000	969,770
Overtime	-	783	-	-
<b>Total Salaries and Overtime</b>	<b>1,122,800</b>	<b>1,025,240</b>	<b>1,057,000</b>	<b>969,770</b>
WorkCover	9,700	17,254	8,000	8,758
Provision for Long Service Leave	27,000	32,662	35,000	38,327
Payroll Tax	63,500	58,027	53,000	54,567
Fringe Benefits Tax	-	-	-	81
Superannuation	91,700	89,154	90,000	90,289
<b>Total Subsidiary Salary Costs</b>	<b>191,900</b>	<b>197,097</b>	<b>186,000</b>	<b>192,022</b>
Travel, Entertainment and Personal Expenses	5,000	2,952	12,000	5,162
Printing, Stationery and Office Requisites	92,000	92,277	89,000	92,699
Postage and Communication Expenses	65,300	38,919	25,000	66,105
Contractors, Consultants and Professionals	170,000	158,893	168,000	197,439
Training and Development	3,000	1,864	6,000	3,088
Motor Vehicle Expenses	14,500	13,262	7,000	5,332
Other Operating Expenses	4,500	4,107	3,000	8,006
Jury, Witness and Award Payments	1,000	795	500	387
Information Technology	80,000	68,760	74,500	74,935
Urgent and Essential Works	1,000	-	-	-
Rent and Property Services	59,000	57,301	59,000	61,600
Property Utilities	32,000	22,961	31,000	32,805
Maintenance	8,000	6,469	5,000	4,403
<b>Total Operating Expenditure</b>	<b>535,300</b>	<b>468,560</b>	<b>480,000</b>	<b>551,961</b>
<b>Total Salaries and Operating Expenses</b>	<b>1,850,000</b>	<b>1,690,897</b>	<b>1,723,000</b>	<b>1,713,753</b>

## Directory of Tribunal Members as at 30 June 2006

### Chief Magistrate

Mr Ian Leslie Gray

### Deputy Chief Magistrates

Mr Peter Henry Lauritsen

Mr Daniel John Muling

Ms Jelena Popovic

Mr Paul Anthony Smith

### Magistrates

Mr Henry Clive Alsop

Ms Donna Bakos

Mr Raffaele Barberio

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt

Ms Luisa Rita Bazzani

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 Gurchich

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 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

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 Stephen Paul Myall

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

Ms Mary Kay Robertson

Mr Charles Schol Rozencwajg

Mr Ronald Norman Saines

Mr Marc Anthony Sargent

Mr Michael Leslie Smith

Ms Paresa Antoniadis Spanos

Mr Alan John Spillane

Ms Heather Margaret Spooner

Ms Fiona Margaret Stewart

Ms Christine Anne Stewart-Thornton

Mr Michael Henry Lewis Stone

Ms Noreen Mary Toohey

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 Wright

Mr Richard Wright

Mr Brian Philip Wynn-Mackenzie

### Acting Magistrates

Mr Brian Stirtevant Barrow

Mr John Douglas Bolster

Mr Lewis Philip Byrne

Mr Barry Francis Docking

Mr William Desmond Martin

Mr James Stanislaus Mornane

Mr Philip John Rodda

Mr Terry John Wilson

Mr Lionel Cedric Winton-Smith



### Melbourne

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

### Broadmeadows

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Rd,  
PO Box 3235, Broadmeadows  
3047  
Tel: 9221 8900 Fax: 9221  
8901

### CASTLEMAINE

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

### KYNETON

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

### Dandenong

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

### Frankston

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

### DROMANA

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

### 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

### Sunshine

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

### WERRIBEE

Cnr. Duncans Rd and Salisbury  
St,  
PO Box 196, Werribee 3030  
Tel: 9974 9300 Fax: 9744 9301

### 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

### ARARAT

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

### HAMILTON

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

### HORSHAM

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

### MARYBOROUGH

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

### NHILL

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

### PORTLAND

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

### ST ARNAUD

Napier Street  
(C/- PO Box 111, Horsham  
3400)

### STAWELL

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

### WARRNAMBOOL

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

### Bendigo

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

### ECHUCA

Heygarth Street  
PO Box 76, Echuca 3564  
Tel: 5480 5800 Fax: 5480 5801

### KERANG

Victoria Street,  
PO Box 77, Kerang 3579  
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### MILDURA

Deakin Avenue,  
PO Box 5014, Mildura 3500  
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### SWAN HILL

Curlewis Street,  
PO Box 512, Swan Hill 3585  
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### Geelong

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### COLAC

Queen Street,  
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### Moe

Lloyd Street,  
PO Box 87, Moe 3825  
Tel: 5127 4888 Fax: 51274990

### BAIRNSDALE

Nicholson Street,  
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Tel: 5153 1000 Fax: 5152 1405

### KORUMBURRA

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### SALE

Foster Street (Princes Highway)  
PO Box 351, Sale 3850  
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### WONTHAGGI

Watt Street,  
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### Shepparton

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### BENALLA

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### COBRAM

Cnr. Punt Road and High Street  
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3630)  
Tel: 5872 2639 Fax: 5871 2140

### MANSFIELD

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

### MYRTLEFORD

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

### SEYMOUR

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

### WANGARATTA

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

### WODONGA

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