



VICTIMS OF  
CRIME ASSISTANCE  
TRIBUNAL  
**2014–15**  
Annual Report



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# Letter to Minister

01 September 2015

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

Dear Attorney-General,

In accordance with the requirements of section 68 of the Victims of Crime Assistance Act 1996, I am pleased to present the annual report of the Victims of Crime Assistance Tribunal for the year ending 30 June 2015.

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

Yours sincerely,



Peter Lauritsen  
Chief Magistrate

# Chief Magistrate's Message

*The Victims of Crime Assistance Tribunal (VOCAT) commenced operations in June 1997, replacing the former Crimes Compensation Tribunal, and has become a key component of the Victorian criminal justice system in its 18 years of operation.*



CHIEF MAGISTRATE  
PETER LAURITSEN

VOCAT is not the only source of assistance for victims of crime, but it can often be the most effective. A victim may apply to the sentencing court for an order requiring the perpetrator to pay compensation; however, this is of little value if the offender has no assets, which is frequently the case. An award of compensation from the sentencing court is not an option that can be pursued if the perpetrator of a crime has not been identified, or if an offender has been charged, but found not guilty after a hearing. In each of these cases, VOCAT may still offer victims an avenue of financial assistance and redress.

Perhaps most importantly, VOCAT provides a forum for victims to tell their story and have their experiences of loss and suffering acknowledged.

This year the Tribunal has received 6053 applications for assistance. This is an increase of 5.8 per cent from the previous financial year. VOCAT finalised 6,113 applications, meaning that more matters were completed than were received over the reporting period. The time taken to process cases has also steadily improved over the last four years; this year, 54.7 per cent of applications were finalised within nine months of being submitted, and at the 12 month mark, this proportion rose to 69.4 per cent. Consistent with these trends, the age of the pending caseload has also decreased.

These positive outcomes reflect the continued efforts of registry staff, Tribunal members and judicial registrars to improve our efficiency. Changes in our case management practices have reduced double handling of files and ensured that Tribunal members preside over the hearings of those applications that they have previously worked on. A continued focus on training and development has improved the knowledge and efficiency of registry staff, who work hard at ensuring that legal and evidentiary requirements are met before passing files on for decision, and who make urgent interim awards of assistance. Professional development for Tribunal members and judicial registrars over the year focussed on relevant developments in the law, as well as best practice in managing hearings.

Judicial registrars have continued to make a substantial contribution to the work of VOCAT. Judicial registrars undertake prescribed Tribunal functions delegated to them by me as Chief Magistrate. This year's figures show that our eight judicial registrars were responsible for 24 per cent of all final awards across the state. This percentage represents 1146 matters that were finalised "on the papers" and the conducting of 100 VOCAT hearings. The excellent work of judicial registrars frees up Tribunal members to focus on other complex VOCAT applications in a timelier way.

*"One of our great success stories for this year has been the growth of the Koori VOCAT list. This list aims to ensure that VOCAT provides an accessible and culturally appropriate service to Koori victims of crime."*

CHIEF MAGISTRATE LAURITSEN

One of our great success stories for this year has been the growth of the Koori VOCAT list. This list aims to ensure that VOCAT provides an accessible and culturally appropriate service to Koori victims of crime. VOCAT received 295 new applications in the reporting period, representing a 78 per cent increase from the previous year. The Tribunal has dedicated a specialised registrar to engage with the Koori community and liaise with Koori support agencies across the state. The list operates as informally as possible, and respect is shown to culture by the acknowledgement to country that occurs before each sitting. The applicant and any family members or others who have come to support them, are encouraged to speak and have their say, and are listened to. The growth in applications indicates that the list does provide a path for Koori victims of crime to access the financial assistance available to them from VOCAT, and I am hopeful that the number of applications will continue to grow.

As a community, we continue to experience increasing rates of reporting and policing of family violence offending. The Tribunal has worked hard throughout the year to address some of the unique issues faced by victims of family violence who seek assistance from VOCAT.

The Coordinating Committee contributed to a joint submission from the Magistrates' Court and Children's Court to the Royal Commission into Family Violence recommending amendments to the VOCA Act to ensure that the impact of family violence is taken into account properly when determining applications for assistance. Finding a way to provide timely and appropriate assistance that is commensurate with the nature of the crime has been a strong focus of the Tribunal this year and will undoubtedly provide challenges for many years to come.

This year, the Tribunal awarded just over \$42 million in financial assistance to victims of crime, and an additional \$5.4 million in legal costs to lawyers assisting applicants. The Tribunal made 4,462 awards of financial assistance over the reporting period, with the average amount of financial assistance awarded on final determination being \$7,639.

I would like to thank VOCAT's registry staff for their contribution. VOCAT registrars closely manage VOCAT applications, gathering information, reviewing materials and making recommendations to Tribunal members and judicial registrars.

This ensures that our judicial officers have the evidence and information they need to make timely decisions about a victim's entitlements. The volume of work is high and staff have frequent direct contact with victims of crime over the telephone, via correspondence, or in person, requiring them to be professional and empathic. The Tribunal is fortunate to have such skilled and committed staff, and all judicial officers value their contribution.

Thanks are also due to the members of the VOCAT Coordinating Committee for their commitment and problem solving skills. The Committee meets monthly and focuses on developing and overseeing initiatives to improve VOCAT's operation. I thank VOCAT Supervising Magistrates Andrew Capell, and Jo Metcalf for their hard work and leadership. Special recognition is due to Melanie Ricardo, Lisa Grey and Donna Caruana who each acted in the role of Principal Registrar over the past year. Their talent and experience minimised disruption to the Tribunal's operations while recruitment for the permanent position occurred. Rod Ratcliffe commenced as the ongoing Principal Registrar in May 2015 and his skills and experience will be a welcome addition to the team.

# About VOCAT

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

## Who we are

VOCAT is now in its 18th year of operation and was established by the *Victims of Crime Assistance Act 1996* (the Act). We are located within the Magistrates' Court of Victoria and operate at all 54 Court venues across the state. Each of the Court's 114 magistrates and 14 reserve magistrates, including the Chief Magistrate, are also Tribunal members. The Court's 8 judicial registrars also have Tribunal powers delegated to them by the Chief Magistrate to determine certain types of applications.

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

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

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

VOCAT has a Coordinating Committee that supports the Supervising Magistrates to carry out these duties.

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

## What we do

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

VOCAT determines who is eligible to receive financial assistance in accordance with the Act. We can make awards to cover:

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

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

In the last 18 years, VOCAT has received 80,411 applications for financial assistance, and awarded \$647 million to victims of crime. This has included 64,047 awards of financial assistance, and tens of thousands of awards of interim financial assistance.

Applications to VOCAT have increased almost every year. There were just over 1,000 applications in 1997-98, while 6053 applications were received in the current reporting period; this represents a 5.8% increase from the preceding year.

*"Victims of crime gain acknowledgement of their experiences by a judicial officer in the criminal justice system, but in the more flexible, informal and intimate manner afforded by an administrative tribunal."*

## Awards held in trust – Transfer of historical trust files

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

Pursuant to the Act, the Senior Master receives and invests funds ordered by the Tribunal to be held in trust.

The Tribunal recently undertook a review of the historical trust files invested directly with the Tribunal.

The review revealed that, in many cases, transferring historical trust files to the Senior Master would be of great benefit to applicants. As part of the review, the Tribunal successfully transferred more than 80 historical trust files to the Senior Master's Office for ongoing management.

### Case Study – Yanni

Yanni applied to the Tribunal in May 2014 in relation to an assault that occurred at the Esplanade Hotel, St Kilda earlier that year. Yanni is a male in his early 30's who resides in Western Australia.

Yanni, who chose to make his application without legal representation, sought Special Financial Assistance along with costs for Dental treatment of over \$10,000, rhinoplasty of approximately \$8,500, medical consultation costs of \$250 and \$50 for damaged clothing.

Police material received in November 2014 advised that no offenders had been identified. Photos of the injury to Yanni's face on the police brief shows a large cut around the nose and left eye.

The Tribunal Member sought a statutory declaration from Yanni regarding the damaged clothing and a medical report outlining the injuries, particularly relating to the jaws and teeth. Enquiries were also made of the informant regarding their recollection of the injuries sustained.

In January 2015, Yanni filed a statutory declaration outlining the damage to his clothing. Police then advised that they had no recollection of any injury to the jaw or teeth. The Tribunal Member, still concerned that there was insufficient evidence to link the criminal act with the dental work, sought medical reports from the Royal Melbourne and St Vincent Hospitals where Yanni attended following the incident.

Medical material from the hospitals arrived in March 2015 and was inconclusive. The Tribunal Member requested Yanni's treating dentist provide a report outlining the damage caused to the applicant's teeth and whether the incident was a cause of said damage.

Yanni requested an interim award for the dental report of \$250 to be paid to his dentist. The Tribunal Member authorised the interim request and payment was made to the Dentist upon presentation of the invoice.

The report described the damage to the teeth and the reparation work required, however it did not link the damage of the teeth to the act of violence that occurred.

In mid May 2015, the Tribunal Member awarded the maximum Special Financial Assistance under category 'C' (\$1300); replacement of damaged clothing (\$50); and future costs of rhinoplasty (\$8473). Although the claim for dental costs was refused, the Tribunal Member provided reasons behind the refusal and indicated that an application for variation could be made upon any new material being presented to the Tribunal.

Since early June 2015, Yanni has had a variation award made to allow a new consultation for rhinoplasty and has indicated he is still seeking to obtain new material regarding his ongoing dental work.

## Supervising Magistrates Andrew Capell and Johanna Metcalf

### Focus on Family Violence:

In February 2015, the Victorian government established the Royal Commission into Family Violence to inquire into and report on how Victoria's response to family violence can be improved by providing practical recommendations to stop family violence. VOCAT contributed to a joint submission from the Magistrates' and Children's Courts of Victoria to the Royal Commission suggesting changes to increase the support provided to victims of family violence and to improve their safety. Some of our recommendations are highlighted below.

The Commission's consideration of practical measures to tackle the problem of violence within families is timely. Family violence-related cases account for a large proportion of the workload of the Magistrates' Court, both in the area of intervention order applications and related criminal cases. In 2013/14 alone, magistrates finalised a total of 50,208 interim and final intervention order applications, and heard 6,331 contravention of family violence intervention order criminal matters.

Considering that many sexual and violent assaults involve intimate partners and family members, the true extent of criminal offending linked to family violence is likely to be much greater. VOCAT has only recently begun to record whether an application arises out of family violence offending, but we estimate that at least a quarter of VOCAT hearings involve allegations of family violence. This proportion is almost certainly an underestimation of the true role of family violence in VOCAT applications, and we expect the number of family violence-related applications lodged with the Tribunal to continue to grow.

VOCAT has an important role to play in providing practical and flexible assistance to victims of family violence, and in offering a therapeutic forum for victims to tell their story and have their experiences acknowledged. We can award interim assistance in urgent cases where there are risks to a victim's safety to allow for measures such as changing locks, installing security cameras or even paying for re-location expenses. This can be done quickly and efficiently, often by registry staff without the need for a Tribunal member's involvement.

However, victims of family violence can also face challenges in applying for financial assistance from VOCAT because of the threshold criteria that must be met to enable the Tribunal to make a final award. One issue is that behaviour which constitutes "family violence" under the *Family Violence Protection Act* 2008, and so would enable a court to make an intervention order, may not be sufficient to meet the criteria of an "act of violence" under the *Victims of Crime Assistance Act* 1996 (the Act).

The Act also requires Tribunal members to weigh up certain factors when deciding whether to make or refuse to make an award, or when fixing the amount of an award of assistance.

Under sections 52, 53 and 54 of the Act, the Tribunal must consider matters such as:

- » whether the applicant reported the act of violence to police within a reasonable time;
- » whether the applicant provided reasonable assistance to investigating authorities;
- » the character, behaviour and attitude of the applicant at any time;
- » whether the perpetrator of the alleged act of violence will benefit directly or indirectly from an award of assistance

*"VOCAT has an important role to play in providing practical and flexible assistance to victims of family violence, and in offering a therapeutic forum for victims to tell their story and have their experiences acknowledged."*

MAGISTRATES METCALF AND CAPELL

The requirements of these three sections are often relevant in applications arising out of abusive relationships. This is because of the power dynamics at play in family violence, and the fact that there may be numerous reconciliations before the victim terminates the relationship. We recommended that the Royal Commission consider including family violence issues in the Act as a factor to be weighed when making decisions under these sections.

We also recommended that consideration should be given to increasing the maximum amount of Special Financial Assistance (SFA) available to victims of family violence. Awards of SFA under the Act are "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". One way to symbolically recognise the seriousness of violence arising out of an abusive relationship would be to increase eligibility for an award of SFA to within the highest category, being a maximum award of \$10,000.

We also recommended changes to ensure that victims of family violence whose applications proceed to a hearing have access to appropriate counselling and de-briefing where required, as well as legislative changes to apply the same protections to them as would apply to victims testifying in a sexual assault or family violence criminal case. Examples of such protections include a ban on victims being personally cross-examined by the alleged perpetrator, restraints on the sorts of questions that may be asked and ensuring that victims have access to remote witness facilities and other alternative arrangements for giving evidence as a matter of right.

We are conscious that experiencing family violence has a devastating impact on individuals and on our community, and believe that VOCAT proceedings can offer an avenue of support and validation for victims. We will continue to strive to support victims in their recovery from the effects of violence, and to bear witness to their experiences in a respectful way.



JO METCALF AND  
ANDREW CAPELL  
JOINT SUPERVISING  
MAGISTRATES, VOCAT

# Supporting Victims of Crime

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

## Accessing VOCAT

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

## Who can apply?

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

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

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

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

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

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

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

## The application process

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

## Special Financial Assistance

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

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

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

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

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

## VOCAT Registrars Meeting 2015



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

## Electronic Document Management Project

Tribunal administration are keen to improve the way we do business. In line with Courts' priorities, the concept of a paperless Tribunal is currently being explored, with the potential to pilot an exclusively electronic file within the Koori VOCAT List. As such, work has commenced with registrars and a project team to identify and document current processes, build an idea of how these processes would translate into the electronic environment, and commence planning the design phase.

During the period March-June 2015, the project team and registry staff met several times to document current business processes, producing maps of how the Tribunal's business is conducted. The focus has now shifted to what may be possible in a future system and how the processes may be reflected in a paperless environment. There is a potential in future years that all VOCAT files will be lodged, managed and stored electronically.

## What happens after an application is lodged?

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

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

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

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

## How long before a result?

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

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

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

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



*Registrars and Trainees play a pivotal role in the decision making process*

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

### The hearing process

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

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

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

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

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

### How we make decisions

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

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

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

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

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

*Our intention is to create a sympathetic and compassionate forum for applicants to relate their experiences as victims of crime.*

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

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

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

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

## What we can award

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

## Types of assistance

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

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

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

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

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

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

### **Special Financial Assistance**

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

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

### **Amount of financial assistance available**

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

We can award:

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

### **Awards held in trust**

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

### **Right of Review**

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

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

### **Review of Decisions of Judicial Registrars**

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

On review, the Tribunal member may:

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

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

### Case Study – Melinda

Melinda is 54 years of age and she lodged her application for assistance with the Tribunal in 2014. The act of violence that this matter concerned was a rape that occurred 30 years earlier in 1984. Melinda reported the incident to police who investigated but alas, no suspect was identified at that time. Forensic samples were taken and they remained frozen at the Police Forensic Laboratory. Melinda did not make an application under either the *Victims of Crime Assistance Act 1996* or the *Criminal Injuries Compensation Act 1983*.

The Cold Case Sex Crimes Unit within Victoria Police used advanced scientific methods to analyse the frozen samples to obtain DNA evidence. From this investigation, an alleged offender was identified for this crime.

The police then contacted Melinda to inform her of this progress. Police asked Melinda if she would be willing to assist in the further investigation of this matter and possible prosecution of the alleged offender.

A full brief was completed and charges were authorised. To complicate matters, the alleged offender now resides overseas and police were making preparations to extradite him back to Victoria to face charges.

Melinda applied to the Tribunal for counselling support as a result of the new police investigation and the possibility of criminal proceedings. The Tribunal member upon reviewing the circumstances of this case was satisfied to reimburse Melinda for her counselling expenses and also made provision for further counselling sessions to occur.

Additionally, the Tribunal member awarded Melinda the highest possible amount for Special Financial Assistance.

The Tribunal member also gave indications to Melinda and her solicitors that Her Honour would consider variations of this award for further counselling, medical expenses or other reasonable expenses involved with the further criminal proceedings to assist Melinda's recovery. The whole matter proceeded without a hearing in accordance with Melinda's wishes. Melinda received her award payment within five months of her original application for assistance being lodged at the Tribunal.



*"In the 2014/2015 year, Judicial Registrars have continued to assist in the timely determination of matters and finalised 24.3% of the final awards."*

JUDICIAL REGISTRAR MCRAE

## Focus on Judicial Registrars

### Judicial Registrar, Sharon McRae

Judicial Registrars are independent judicial decision makers appointed by the Governor in Council to assist the court in both judicial and administrative functions. Powers of Judicial Registrars are derived from acts of parliament or delegation from the Chief Magistrate.

Judicial Registrars commenced work in the Victims of Crime Assistance Tribunal from 1 February 2012, following a delegation of powers by the Chief Magistrate. Initially a pilot programme commenced at Heidelberg, Ringwood and Melbourne court venues. Due to the success of the pilot programme it was extended to all metropolitan, regional and rural courts in February 2013.

There are currently eight Judicial Registrars in Victoria. The Judicial Registrars undertake Victims of Crime Assistance matters at all court venues they visit across Victoria allowing for efficient determination of applications.

Judicial Registrars can deal with applications under the Victims of Crime Assistance Act by primary and secondary victims except where there are allegations of sexual assault or family violence, or where the act of violence was not reported to police. Judicial Registrar's cannot determine related victim applications. Judicial Registrar's can also hear applications for an extension of time to lodge an application, interim orders, access to documents and variation of awards, as well as give directions.

The reason for delegating Judicial Registrars with powers in the Victims of Crime Assistance Tribunal was to assist in the Tribunal's duty to deal with applications in a timely manner and to reduce the number of pending applications.

In the 2013/2014 year, Judicial Registrars finalised 19% of the matters before the Tribunal and the number of outstanding pending matters were reduced to its lowest since 2008. The proportion of applications finalised within nine months and twelve months of lodgement continued to improve and was at its highest level since 2009.

In the 2014/2015 year, Judicial Registrars have continued to assist in the timely determination of matters and finalised 24.3% of the final awards. The proportion of applications finalised within twelve months of lodgement continued to improve and is at an all-time high of 69.4%

It is clear from the statistics that Judicial Registrars have had a considerable impact on the time in which applications have been dealt with. This expeditious finalisation allows victims to hopefully recover from the crime quicker.

Judicial Registrars welcomed working in the Victims of Crime Assistance area as it is seen by them as important and valuable work where victims are given a voice and are helped to recover from the effects of the crime perpetrated on them.

One of the most challenging aspects in determining applications is the need for the Judicial Registrar to work within the requirements of the Act and to appreciate the full range of financial and other practical needs of a victim which will assist them to recover from an act of violence. It is recognised that often victims of crime have complex and long term issues as a result of the crime and require assistance for both physical and psychological needs.

Working in the Tribunal gives Judicial Registrars an opportunity to assist victims of crime to recover from the crime. It is an extremely rewarding area to undertake work and complements other jurisdictions exercised by Judicial Registrars. The introduction of Judicial Registrars in the Tribunal was an initiative of the Tribunal and has been extremely successful in assisting the Tribunal to achieve the objectives of the Victims of Crime Assistance Act.

*"Where else would I be able to come to work in an office surrounded by sun drenched palm trees and only a block from the Murray River?"*

JAMES SIMPSON

## VOCAT in Mildura

*James Simpson is a qualified Registrar who has been working with the Court for over three years.*

Located seven hours drive from Melbourne, and being closer to Broken Hill than any other major city; some could say Mildura is isolated, however, I believe I have the best job in Victoria. Where else would I be able to come to work in an office surrounded by sun drenched palm trees and only a block from the Murray River?

At Mildura, the court is multi-jurisdictional and deals with the Magistrates, Children's, County and Supreme Courts. We are also a venue of the Victims of Crime Assistance Tribunal (VOCAT).

Within VOCAT at Mildura, we are the proper venue for applicants who reside in the Sunraysia region, along with applicants who reside in towns surrounding Robinvale and Ouyen.

Although distance can be an issue in Sunraysia, it is also at times one of our biggest strengths. Due to our distance from other centres, we enjoy close ties with all stakeholders including solicitors, counsellors, police and other local service providers.

It is great being a part of a network of invaluable resources who all work closely together to assist victims of crime in their recovery. Due to the intimate working environment, we enjoy close relationships with all our stakeholders. This allows us to efficiently update each other when there are changes to processes or legislation.

At Mildura, we are assigned Tribunal Members from other regions on a six-week rotating basis. Despite the regular change in the judiciary, I enjoy close working relationships with each member. The rotating system provides me with fresh ways of thinking and different ways of looking at each application.

I enjoy working with VOCAT in a remote country location. The benefit of working in a regional court is that you can often see matters progress from start to completion through the different jurisdictions of the court.



Because of this we get to see the ongoing benefits to the applicant long after the award has been made and as I am able to put faces to applications it makes the work the Tribunal does extremely rewarding.

Working in a multi-jurisdictional court where I am exposed to so many different elements of the justice system keeps me in touch with what our clients are faced with during court proceedings. Although sometimes confronting, I find that this assists me in being empathetic to each client's needs rather than merely processing an application for assistance.

Occasionally an applicant calls into the courthouse just to say "thank-you" so I wouldn't trade my position in the country for any other.



*VOCAT Registrar, Steve Paxino hard at work in the Melbourne Registry*

## Koori VOCAT List

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

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

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

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

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

The last twelve months have seen the highest number of applications filed in any financial year since the Koori List first commenced in 2006. 295 applications were filed in the Koori VOCAT List between 1 July 2014 and 30 June 2015. This demonstrates an increase of 78% over the 166 applications filed in the previous financial year, and the average filings of 150 per year over the previous five years. This rise may be due to a higher level of engagement by the Tribunal with various stakeholders over the past twelve months. These engagements include:

1. An engagement forum with Aboriginal Family Violence Prevention and Legal Service and Victorian Aboriginal Legal Service run by DCM Felicity Broughton
2. Information sessions with Koori VOCAT List Registrar and Victims Assistance Program (VAP) workers, including Aboriginal VAP workers
3. Information sessions at two state-wide Victims Forums in Geelong and Broadmeadows
4. Referrals through the Koori Family Violence and Victims Support Program workers, and a new referral pathway implemented in 2015

The 295 Koori VOCAT List applications equates to 5% of the total applications filed state-wide over this period, and the current pending caseload of applications managed in the Koori VOCAT List is 334, which represents 6% of the total pending applications state-wide (5,994 as at 30/5/2015). This is an increase from the 3% of pending applications in 2009<sup>1</sup>. The 2011 ABS census published figures which show that the Aboriginal population of Victoria is .7% of the total. This demonstrates that the Tribunal is meeting its aim of increasing awareness and access for Aboriginal and Torres Strait Islander victims, to their potential entitlements under the Act.

Roughly 40% of Koori VOCAT applicants have a family relationship of some kind with the offender. These can all be categorised as family violence, as compared to 26% of general VOCAT applicants. We have seen a rise of interims from 25 in the 2013-2014 financial year, to 108 in the 2014-2015 financial year, and an increase in Registrars interims from 4, to 55 in the same periods. This demonstrates that the Koori List is using the legislated flexibility to respond quickly to urgent needs for safety in family violence situations, and counselling to assist in recovery.

While only 34 final hearings were conducted in the Koori List in the financial year (the majority of applications being determined on the papers without the need for a hearing), the overwhelming feedback from applicants who attend hearings is that they feel affirmed and are thankful for the experience.

1. See Koori VOCAT List Pilot Review and Recommendations Report 2009

*"Mark and [his] housemate got into an argument during which the housemate punched Mark in the face twice."*

### Case Study – Mark

Mark applied for assistance through the Victims of Crime Assistance Tribunal in October 2014. Mark was residing in Wodonga and had been having a few drinks at home one night, listening to music around a fire with his housemate. Mark and the housemate got into an argument during which the housemate punched Mark in the face twice. Mark received facial injuries resulting in hospitalisation. The housemate admitted the assault and was charged by police. Mark needed eventual facial surgery including a reconstruction to his nose. Mark has not been able to work since the assault.

Mark sought a claim from the Tribunal for medical treatment, ambulance and travel expenses, loss of earnings from his previous employment and special financial assistance. Mark indicated that he was in severe financial distress after the incident and required urgent assistance to "pay the bills".

One of the issues that arose for the Tribunal was the appropriateness of some of the medical expenses. Mark had asked for optometry treatment to be covered due to permanent damage to his left eye. Consequently, he received prescription glasses, which were not needed prior to the assault. The Tribunal needed to satisfy itself that this was as a result of the assault.

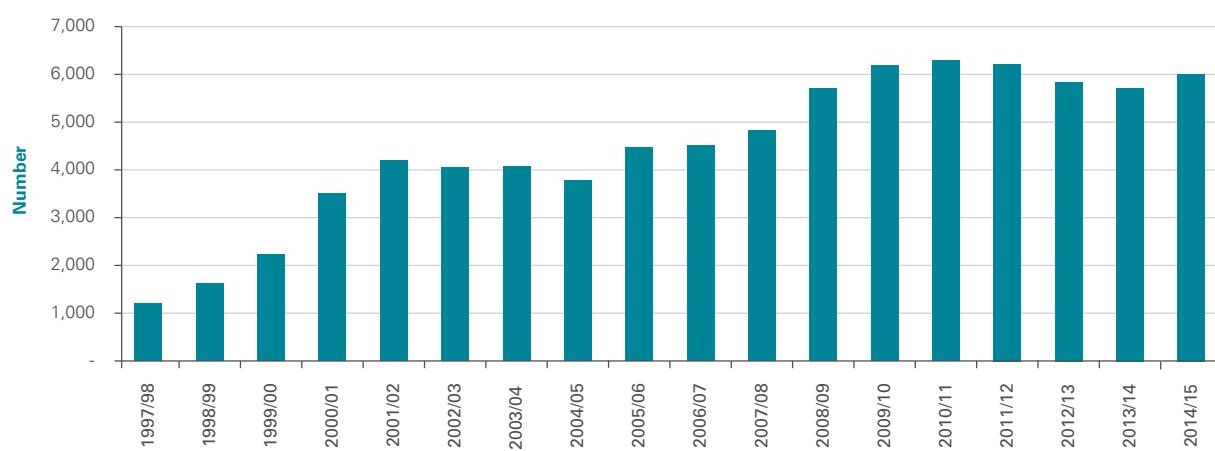
Despite the size and complexity of Mark's claim, especially the substantial loss of income, the Tribunal Member offered an award covering all aspects of Mark's loss (about \$25,000 in total). This was accepted through Mark's solicitor without the need for a hearing.

Mark remains eligible for further assistance if he incurs additional medical costs within the next six years.



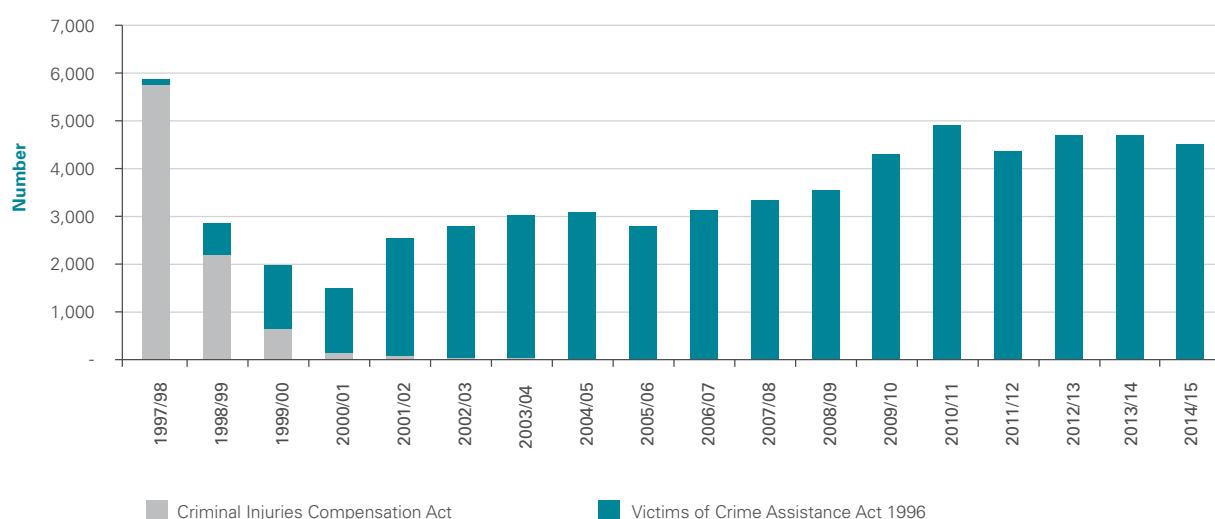
## Demand and financial assistance awarded

**Chart 1: Number of applications for financial assistance lodged annually 1997/98 – 2014/15**



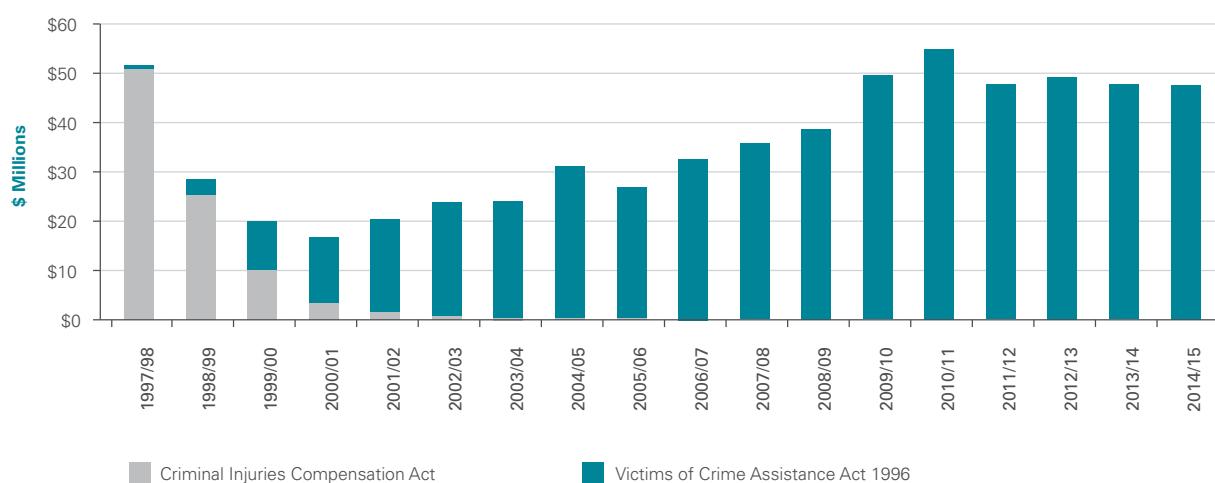
Demand for financial assistance from victims of crime has increased almost every year since the Tribunal commenced on 1 July 1997, with the trend continuing upward this financial year.

**Chart 2: Number of awards made annually 1997/98 – 2014/15**



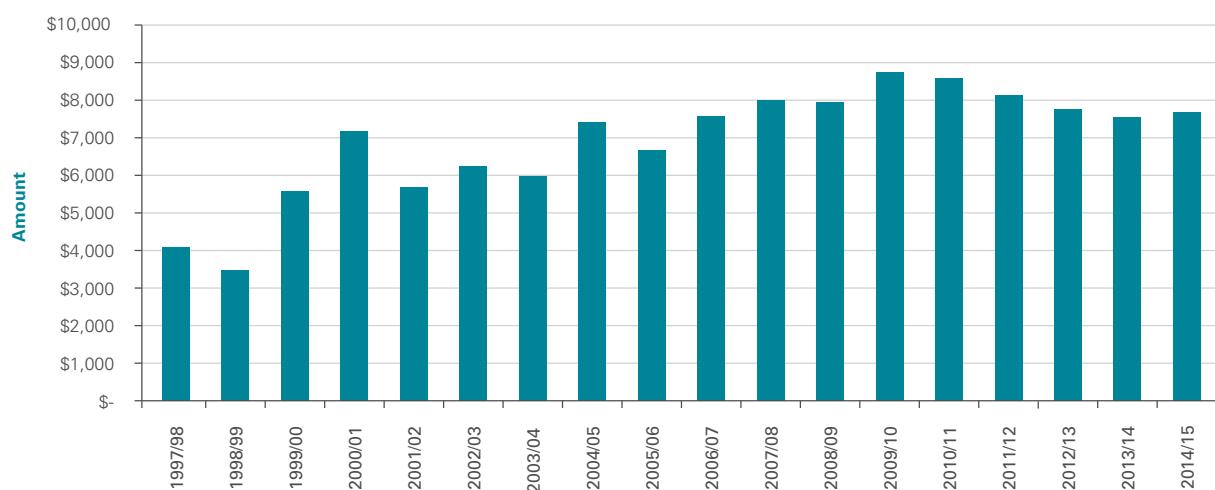
There is a slight drop in the number of awards made that is consistent with the slight drop off in applications filed in the previous year.

**Chart 3: Total amount of financial assistance awarded including legal costs ordered annually 1997/98 – 2014/15**



Figures have once again dropped slightly over the reporting period consistent with a drop in total applications filed in the previous financial year

**Chart 4: Average amount of financial assistance awarded under *Victims of Crime Assistance Act 1996* on determination of applications, 1997/98 – 2014/15**



Despite the increasing amount of financial assistance awarded by the Tribunal most years since it commenced in July 1997, the average amount of assistance awarded to applicants each year has remained remarkably consistent, with a slight increase in the year under review.

# The Tribunal – Year in Review

## Applications lodged

There were 6053 applications filed in the reporting period which represents a 5.8% increase over the previous year (5722). Female victims made up 55.4% of the total applications including over 80% of those arising from a sexual assault.

Applications arising from allegations of assault comprised 51.7% of the total applications filed. This is significantly less than the two previous years both over 55%. This can be accounted for partly by the introduction of reporting on crimes arising out of family violence. Many of these applications would have, in previous years, been identified as an assault. Over 77% of victims of family violence are female.

Over 13% of all victims were under the age of 18 at the time of the offence. This comprised almost exactly the same number of female and male applicants over the reporting period. (293 female – 292 male)

See page 33 for further details about applications lodged.

## Application outcomes

We finalised 6,113 applications in the reporting period. This is slightly lower than the previous year and reflects a lower number of applications filed in the 2013/14 financial year. This year our clearance rate was 106 per cent, which is significant considering the increase in applications.

We awarded 4,462 applicants financial assistance (representing 72.8 per cent of all orders made) compared to 4,755 in the previous year. Additionally:

- » applications were determined at hearings in 25 per cent of cases, consistent with 25 per cent in the previous year.
- » 131 applications were refused, compared to 229 in the previous year. Refused applications comprised 2.1 per cent of all finalising orders made.
- » 1,518 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,627 in the previous year (a decrease of 6.7 per cent).
- » as in previous years, the majority of awards (83.8 per cent) went to primary victims, with 3,740 awards being made this reporting period, compared to 4,106 last year (a decrease of 9 per cent).
- » we made 296 awards of financial assistance to secondary victims, compared to 269 last year. Secondary victims represented 6.6 per cent of all awarded applicants, which are a larger proportion than the previous year.
- » for related victims, 410 awards of financial assistance were made, compared to 365 in the previous year. Related victims represented 9.2 per cent of all awarded applicants, which are a significantly higher proportion than the previous year. Related victim applications are often the most complex and time consuming matters.

See page 34 for further details about application outcomes.

## Financial assistance awarded

In the reporting period, we awarded a total of \$47.8 million in financial assistance and legal costs to victims of crime, which was similar to the \$47.9 million awarded in the previous year.

The average amount of financial assistance awarded was \$7,639, compared to \$7,336 in the previous year.

## Review Applications from VOCAT

In the reporting period, 18 applications for review of VOCAT decisions were determined by VCAT and one at the Supreme Court. The Victorian Government Solicitor's Office represents VOCAT (as primary decision maker) in all VCAT and Supreme Court proceedings.

## Counsel assisting the Tribunal

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

*VOCAT Registrar Melinda Hampshire with Senior Registrar Alyson Neilson in the Ballarat Magistrates' Court*



## Timeliness

The time it took to finalise applications (measured from the time of lodgement) has slightly improved. Over 69.4 per cent of applications were finalised within 12 months, with 54.7 per cent being finalised within nine months. At the end of the reporting period, 6,039 applications were pending, compared to 5,843 in the previous year. This increase in pending cases is as a result of a much higher number of new applications in the reporting period. Importantly, the Tribunal was able to finalise more applications than were commenced during the year.

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

Below are some of the initiatives we anticipate will assist in improving timeliness:

## Judicial Registrars at VOCAT

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

Judicial registrars have had a considerable impact on the timeliness of finalising VOCAT applications. This year judicial registrars finalised 1,483 applications for assistance, being 24.3 per cent of all finalisations up from 18.9 percent in the previous year.

## Interim awards for safety-related expenses

Since July 2010, VOCAT has been able to make awards to primary victims for safety related expenses without them needing to demonstrate exceptional circumstances.

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

## Timely hearings

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

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

## Improving access

VOCAT provides registry services at all of Victoria's 54 Magistrates' Court venues, making it accessible to applicants across the state. Members conduct hearings at these venues so that, in most cases, applicants do not have to travel far. We are also exploring the use of non-court venues to make VOCAT hearings even more accessible, and considering how to best meet the needs of VOCAT applicants within our existing Court venues.

Set out below are some of the ways in which we improved accessibility to VOCAT in the reporting period:

## Online Applications

The Tribunal launched a new online application on 29 September 2014. Applications for financial assistance can now be completed and filed via the Tribunal's website by clicking the 'Apply Now' link on our website's homepage.

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

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

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

At the conclusion of this reporting period the Tribunal had received 305 on-line applications, filed by both legal practitioners and unrepresented applicants from various regional and metropolitan locations across the state.

## Legal and other professional help for applicants

Access to justice for victims of crime is of paramount importance, and VOCAT generally pays for victims' legal representation. In the reporting period, we amended the Legal Costs Guideline (Guideline 2 of 2014), increasing the amount we can award to legal practitioners who represent VOCAT applicants. It is hoped this increase will recognise and encourage high quality legal services for victims of crime.

Lawyers are not the only professionals who help victims of crime to access VOCAT. The Government-funded Victims Assistance Program, and non-government counselling services, also play a role. This reporting period, we worked with the Department of Justice and other stakeholders in reviewing and considering issues related to how victim counselling services are regulated. As much as possible, we want to promote consistent ethical and professional standards for counsellors and health professionals assisting victims of crime to access VOCAT.

## VOCAT website

To improve access to information regarding VOCAT, we have a translation feature on our website. Visitors to our site can now click on one of 57 languages and the Google Translation feature will change the contents of our site to their chosen language.

## Changing the way we communicate

The first step in ensuring VOCAT's accessibility is ensuring people are aware of us. This means plain language information about VOCAT must be available to assist applicants to access, understand and navigate through VOCAT's practices and procedures. In the reporting period, we continued to review all VOCAT's written information and, in response to demand for more user-friendly information, we finalised a plain language brochure, and a guide to completing the application form.

We also continued to review and change our correspondence in an effort to better inform applicants and their lawyers about the progress of their applications.

## Contributing to our community

In 2014-15, we continued to contribute to the community we serve by working with our stakeholders, strengthening our public presence, and educating people about our processes. Below are some examples.

*"VOCAT provides registry services at all of Victoria's 54 Magistrates' Court venues, making it accessible to applicants across the state."*

## Working with our stakeholders

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

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

## Strengthening our public presence

Once again, we participated in the Court's Open Day, a feature event of the Victoria Law Foundation's Law Week, held in May each year. Alongside Magistrates' Court staff and stakeholders, VOCAT staff presented a public information session about VOCAT.

## Legal and community education

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

Tribunal Members and Registrars state-wide regularly attend at or present at relevant community engagement forums, particularly during Victim Awareness Week.

## Victims of Crime Consultative Committee

Supervising Magistrate Andrew Capell is a member of the Victims of Crime Consultative Committee which has been set up by the Attorney-General to, among other things, provide a forum for victims of crime and relevant justice and victim service agencies to discuss victims' policies, practices and service delivery and to promote the interests of victims in the administration of justice.

## The future

As discussed at page 11, there are plans to trial paperless management in an e-lodgement pilot at Koori VOCAT. This is planned to commence during the next financial year with a view to assessing its applicability to VOCAT more broadly.

We also anticipate more complex applications as new laws come into effect dealing with different ways crimes can be committed against the person, for example, cyber-crime.

To ensure we remain accessible and responsive to victims of crime, we will continue to build on this year's initiatives, including:

- » supporting the professionalism of lawyers and other service providers who work with victims of crime
- » improve arrangements for the management of funds for adults under disability
- » refining and improving case management processes
- » improving how we communicate with victims and legal representatives by reviewing the method, form and content of standard correspondence
- » continued improvement of external communications
- » continued professional development and training of Tribunal Members, Judicial Registrars and Registry staff

# Managing VOCAT

A Principal Registrar, Standards and Compliance Officer, and staff across 54 venues throughout Victoria all support VOCAT's goal of providing a timely, empathetic, informal and cost-effective service. Our Coordinating Committee is dedicated to continually improving our performance, including investing in professional development for all members, registrars and staff. This promotes a consistent, compassionate and responsive approach to the needs of victims of crime.

## Our Coordinating Committee

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

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

## Committee Members

Supervising Magistrates Andrew Capell and Johanna Metcalf co-chair the Coordinating Committee. Its members include:

- » Deputy Chief Magistrates Daniel Muling, Felicity Broughton and Lance Martin
- » Magistrates Amanda Chambers, Susan Wakeling, Duncan Reynolds, Ann Collins, Catherine Lamble and David Fanning
- » Judicial Registrar, Sharon McRae

- » VOCAT Principal Registrar, Rod Ratcliffe; Acting Principal Registrars, Melanie Ricardo and Lisa Grey; Standards and Compliance Officer, Donna Caruana and Melbourne VOCAT Registry Manager, Sandra Tennant.
- Having decision makers as well as those who manage the administrative functions of VOCAT on the Committee promotes consistency between members and registrars, and takes into account issues affecting them.
- » considering issues raised by systemic deficiencies in the regulation of counselling services provided to victims of crime
- » considering the Victorian Civil and Administrative Tribunal's (VCAT's) reviews of VOCAT decisions to ensure that Tribunal members are informed of relevant decisions and that decisions that are of sufficient interest are placed on the VOCAT website
- » discussing professional development and training events for magistrates and registrars
- » monitoring statistical information across venues regarding the number of applications for assistance lodged and determined, awards of assistance made (including interim awards), and the amount of assistance awarded
- » considering issues of confidentiality arising from the issue of summons to produce Tribunal files for the hearing of criminal charges and civil proceedings, to protect confidential documents held by the Tribunal.

## Committee Initiatives

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

- » continued monitoring of the delegation of VOCAT cases to judicial registrars
- » ongoing oversight of the Koori VOCAT List
- » endorsement and publication of amended guidelines for:
  - Legal costs
  - Applications to access information
  - Counselling fees
  - Funeral expenses

*Our Coordinating Committee is dedicated to continually improving our performance, including investing in professional development for all members, registrars and staff.*

- » undertaking a review of legal publications and information guides to ensure plain language information about the Tribunal is available to assist applicants, the victim support network and wider community to access, understand and navigate through the Tribunal's practices and procedures
- » reviewing and amending correspondence generated by the Tribunal's case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal
- » developing listing and case management practices aimed at improving the timeliness of VOCAT decision-making
- » discussing issues arising from the 2009 Victorian Bushfires

Members of the Committee participated in:

- » the provision of materials and information sessions about VOCAT for new magistrates
- » the provision of VOCAT training for judicial registrars
- » continuing professional development and information sessions for staff of the Victims Assistance Program

- » liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the Aboriginal Family Violence Prevention Legal Service
- » providing information about the Tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week 2014
- » regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime

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

- » contributing to the ongoing professional development of Tribunal members, including presenting a session of the Court's Professional Development day
- » familiarising new magistrates with VOCAT, including providing information sessions and maintaining an induction manual for new magistrates and judicial registrars
- » contributing to the VOCAT Practice Page on the Judicial College of Victoria website
- » reviewing and publishing relevant VCAT and Court of Appeal decisions on our website
- » considering how to best manage confidential information when responding to subpoenas for VOCAT files
- » reviewing and updating Tribunal Guidelines and Practice Directions

## Consistency and Responsiveness

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

*"Courts are renowned for punishing offenders and settling disputes between parties but VOCAT exists to remediate injustice in a tangible way."*

ROD RATCLIFFE

## Principal Registrar's Message

### First Impressions

I commenced as the Principal Registrar in May of 2015. Although I have spent over a decade working in courts in Victoria this has been my first foray into this jurisdiction. The learning curve has been steep in my first few weeks but I have been impressed by the efficiency and dedication of the Members, Judicial Registrars and Registrars. In that limited context I offer the following observations:

- » VOCAT staff are confronted on a daily basis by sad and often confronting stories about victims of crime. To a person, staff deal with this information sensitively, professionally and with compassion.
- » There is something unique and heart-warming about being able to administer a government funded benevolent scheme. Courts are renowned for punishing offenders and settling disputes between parties but VOCAT exists to remediate injustice in a tangible way. It is consequently an incredibly rewarding place to work.

- » There is flexibility under the VOCA Act to assist in ways that meet the immediate needs of victims. From counselling to massage, security equipment to much needed holidays, Tribunal members are able to not only compensate in a purely financial sense but set victims on a path to recovery.
- » Perhaps more personally, the human spirit endures. Each application to VOCAT represents a person who has suffered at the hand of violent crime. The fact that they have sought to file such an application shows that they are choosing to get on with their lives as best they can. It can never be easy to recover when they have endured sometimes horrific crimes, but VOCAT provides a vehicle by which victims can set a new direction.

Given the importance of the work, the VOCAT team continue to attempt to improve the efficiency of the processes. This will ensure that the compensation reaches the deserving victims as quickly as possible. I look forward to being a part of that operation for many years to come.



*Principal Registrar of VOCAT, Rod Ratcliffe is admitted to practice as an Australian Lawyer and has spent the last five years as the Prothonotary of the Supreme Court.*

*Bendigo Court on a bright winter's day*



## Our Registry

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

At 30 June 2015, the Tribunal funded 24 registry positions across Victoria and was further supported by registrars and administrative staff of the Magistrates' Court.

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

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

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

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

### VOCAT Registrars

Registrars are the main points of contact for victims, providing procedural advice and support throughout the application process. Registrars also work closely with Tribunal members and judicial registrars.

In most cases, the Registrars, who have been dealing with the file since it was initiated, review the content of the application and provide advice and recommendations to the Tribunal members regarding directions and awards.

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

The functions of the Registrars includes:

- » obtaining medical and psychological reports, police information about an alleged offence, criminal histories, and prosecution outcomes
- » ensuring applicants file the documents needed to support their applications, and that the information provided is complete and comprehensible
- » making sure applicants receive their awards of financial assistance

- » providing administrative support in relation to applications for the variation of awards
- » ensuring that each file is progressed as expeditiously as possible to ensure that applicants receive their awards in a timely manner
- » answering a high volume of counter and telephone enquiries

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

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

At major Court venues, registrars perform VOCAT work for six to twelve months. The relevant legislation is complex, and it takes time to develop expertise in this area. VOCAT therefore benefits significantly from having dedicated registrars for extended durations. Registrars also gain valuable experience through their VOCAT work, which in turn benefits all Court jurisdictions.

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

## VOCAT Website

Our website [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au) was redeveloped in 2011 and contains useful information, including:

- » application forms and guides
- » information about what VOCAT does
- » links to victim support services and resources
- » practice directions and guidelines
- » publications such as reports and brochures and
- » appeal decisions that VOCAT considers important.

We are continuing to improve the website as an education and communication tool.

We have included a new translation feature to our website. Visitors to our site can now simply click on a language and the Google Translation feature will change the contents of our site to their chosen language. 57 languages can be selected. This year 466 users converted the website into a language other than English.

This year the website received 27,494 unique visits, compared to 24,802 in the previous year. As with the previous year, the 'Application for Assistance form' was the most commonly downloaded publication/form.

*VOCAT Registrars take notes  
at a training day in Melbourne*



## Professional Development

VOCAT's Coordinating Committee works closely with the Magistrates' Court Professional Development Committee. This ensures judicial registrars and magistrates are equipped for their roles as VOCAT decision-makers.

Because decision-makers have wide discretion under the Act, professional development is an important tool in maximising a level of consistency in their decision-making. Additionally, professional development days help keep VOCAT members – who are also magistrates, located across 54 Victorian Court venues – in touch with each other's practices. This allows them to benefit from the pool of available expertise, which also helps ensure high quality, consistent approaches.

VOCAT's supervising magistrates conduct information sessions on the Act for newly appointed magistrates and judicial registrars, and provide them with written materials and information about the VOCAT website and the Judicial College's VOCAT Practice Page.

Professional development in 2014-15 also included:

- » Regular VOCAT registrar meetings, focusing on training to promote consistency. The meeting provides a forum to discuss current issues
- » Reviewing and distributing to Tribunal members VCAT decisions in relation to appeals from VOCAT and
- » Publishing on the internal website any relevant papers written by magistrates for judicial decision-makers.
- » Supervising Magistrates presenting at Magistrate Professional Development days on various VOCAT topics.

# Our Statistical Report

For the fifth consecutive year, we finalised more than 6,000 applications. The tables below also provide information about applicant demographics, awards of financial assistance made, appeals against VOCAT decisions, and case processing times.

**Table 1: Summary – applications for assistance lodged, finalised and pending, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
<b>CASELOAD</b>			
Number applications lodged	5,863	5,722	6,053
Number orders made finalising claims	6,894	6,611	6,113
Number applications pending on 30 June	6,370	5,843	6,039
<b>CASE PROCESSING TIMES</b>			
Proportion of applications finalised within 9 months of lodgement	47.8%	50.0%	54.7%
Proportion of applications finalised within 12 months of lodgement	62.4%	65.2%	69.4%
<b>AGE OF PENDING CASELOAD</b>			
Proportion of applications pending for 9 months or more on 30 June	45.0%	41.1%	39.6%
Proportion of applications pending for 12 months or more on 30 June	34.9%	31.8%	29.3%

## Applications lodged by applicant gender and category of crime

Table 2: Number of applications for financial assistance lodged by category of offence, and gender of applicant, 2014/15<sup>2</sup>

OFFENCE CATEGORY	NUMBER OF APPLICATIONS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	241	267	508	47.4%	52.6%	8.4%
Rape	42	235	277	15.2%	84.8%	4.6%
sex (non-rape)	177	729	906	19.5%	80.5%	15.0%
robbery	179	129	308	58.1%	41.9%	5.1%
assault	1697	1432	3120	54.2%	45.8%	51.7%
abduction/kidnap	17	29	46	37.0%	63.0%	0.8%
Criminal damage by fire	9	3	12	75.0%	25.0%	0.2%
Burglary	165	169	334	49.4%	50.6%	5.5%
Harassment	24	95	119	20.2%	79.8%	2.0%
Family Violence <sup>3</sup>	37	128	165	22.4%	77.6%	2.7%
Other	112	137	249	45.0%	55.0%	4.1%
<b>TOTAL</b>	<b>2700</b>	<b>3353</b>	<b>6053</b>	<b>44.6%</b>	<b>55.4%</b>	<b>100.0%</b>

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

3. Family Violence was added to the case management system part way through the financial year so the numbers do not represent a full year of capturing this data.

## Outcome of finalised applications

**Table 3: Number of orders made upon final determination of applications for financial assistance, by order type, 2012/13 – 2014/15**

ORDER	2012/13		2013/14		2014/15	
Application granted/award made	4751	68.9%	4755	71.9%	4462	72.8%
Application refused	219	3.2%	229	3.5%	131	2.1%
Application struck out/withdrawn	1921	27.9%	1627	24.6%	1518	24.8%
Other disposal	3	0.0%	0	0.0%	2	0.2%
<b>TOTAL</b>	<b>6894</b>	<b>100.0%</b>	<b>6611</b>	<b>100.0%</b>	<b>6113</b>	<b>100.0%</b>

**Table 4: Number of awards of financial assistance made upon final determination of applications for assistance, by award type, 2012/13 – 2014/15**

AWARD TYPE	2012/13		2013/14		2014/15	
Primary victim award	3984	83.9%	4106	86.4%	3740	83.8%
Secondary victim award	335	7.1%	269	5.7%	296	6.6%
Related victim award	414	8.7%	365	7.7%	410	9.2%
Award for funeral expenses only	4	0.1%	2	0.0%	4	0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	0	0.0%	1	0.0%	0	0.0%
Other	14	0.3%	12	0.3%	12	0.3%
<b>TOTAL</b>	<b>4751</b>	<b>100%</b>	<b>4755</b>	<b>100%</b>	<b>4462</b>	<b>100%</b>

Table 5: Number of awards of financial assistance made, by age and gender of awarded applicants, 2014/15

AGE AT AWARD	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
0 – 18 years	292	293	585	49.9%	50.1%	13.1%
19 – 25 years	328	253	581	56.5%	43.5%	13.0%
26 – 35 years	431	314	745	57.9%	42.1%	16.7%
36 – 60 years	694	595	1289	53.8%	46.2%	28.9%
61 years +	124	105	229	54.1%	45.9%	5.1%
Unknown	294	739	1033	28.5%	71.5%	23.2%
<b>TOTAL</b>	<b>2163</b>	<b>2299</b>	<b>4462</b>	<b>48.5%</b>	<b>51.5%</b>	<b>100.0%</b>

Table 6: Number of awards of assistance made by category of offence and gender of awarded applicant, 2014/15

OFFENCE CATEGORY	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	226	260	486	46.5%	53.5%	10.9%
Rape	21	151	172	12.2%	87.8%	3.9%
Sex (non-rape)	130	449	579	22.5%	77.5%	13.0%
Robbery	163	133	296	55.1%	44.9%	6.6%
Assault	1406	1026	2432	57.8%	42.2%	54.5%
Abduction/kidnap	14	22	36	38.9%	61.1%	0.8%
Criminal damage by fire	8	3	11	72.7%	27.3%	0.2%
Burglary	121	108	229	52.8%	47.2%	5.1%
Harassment	20	63	83	24.1%	75.9%	1.9%
Family violence	2	11	13	15.4%	84.6%	0.3%
Other	52	73	125	41.6%	58.4%	2.8%
<b>TOTAL</b>	<b>2163</b>	<b>2299</b>	<b>4462</b>	<b>48.5%</b>	<b>51.5%</b>	<b>100.0%</b>

**Table 7: Number of applications for assistance lodged, final orders made and awards made by Tribunal region, 2014/15**

		APPLICATIONS LODGED		FINAL ORDERS MADE		AWARDS MADE	
REGION	TRIBUNAL VENUES WITHIN REGION	NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL
Barwon South West	Colac	33		22		10	
	Geelong	252		286		197	
	Hamilton	15		15		10	
	Portland	21		15		7	
	Warrnambool	74		93		61	
		395	6.5%	431	7.1%	285	6.4%
Broadmeadows	Broadmeadows	386	6.4%	340	5.6%	242	5.4%
Dandenong	Dandenong	454	7.5%	519	8.5%	402	9.0%
Frankston	Dromana	92		88		68	
	Frankston	354		408		302	
	Moorabbin	226		213		158	
		672	11.1%	709	11.6%	528	11.8%
Gippsland	Bairnsdale	65		50		29	
	Korumburra	38		71		55	
	Latrobe Valley	244		174		127	
	Sale	62		44		33	
	Wonthaggi	28		18		8	
		437	7.2%	357	5.8%	252	5.6%
Grampians	Ararat	19		21		20	
	Ballarat	192		189		150	
	Horsham	32		34		24	
	St Arnaud	2		3		2	
	Stawell	2		0		0	
		293	4.8%	233	3.8%	183	4.1%
Heidelberg	Heidelberg	362	6.0%	343	5.6%	231	5.2%

		APPLICATIONS LODGED		FINAL ORDERS MADE		AWARDS MADE	
REGION	TRIBUNAL VENUES WITHIN REGION	NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL	NUMBER	AS % OF STATEWIDE TOTAL
Hume	Benalla	35		18		17	
	Mansfield	0		0		0	
	Seymour	34		33		24	
	Shepparton	133		123		101	
	Wangaratta	36		29		17	
	Wodonga	55		30		24	
		293	4.8%	233	3.8%	183	4.1%
Loddon Mallee	Bendigo	99		99		74	
	Castlemaine	25		22		16	
	Echuca	37		23		19	
	Kerang	6		8		5	
	Kyneton	33		33		24	
	Maryborough	18		25		23	
		62		47		36	
		32		30		22	
		312	5.2%	287	4.7%	219	4.9%
Melbourne	Melbourne	1205	19.9%	1236	20.2%	907	20.3%
	Koori List	295	4.9%	183	3.0%	120	2.7%
		1500	24.8%	1419	23.2%	1027	23.0%
Neighbourhood Justice Centre	Collingwood	51	0.8%	67	1.1%	48	1.1%
Ringwood	Ringwood	494	8.2%	537	8.8%	373	8.4%
Sunshine	Sunshine	270		414		313	
	Werribee	180		210		163	
		450	7.4%	624	10.2%	476	10.7%
<b>TOTAL</b>		<b>6053</b>		<b>6113</b>		<b>4462</b>	

## Financial assistance awarded and legal costs<sup>4</sup>

**Table 8: Total amount of financial assistance awarded and legal costs ordered (interim, final determination, by variation and on review), 2012/13 – 2014/15**

	2012/13		2013/14		2014/15	
Financial assistance	\$43,726,609	89.0%	\$42,315,273	88.4%	\$42,138,270	88.6%
Legal costs	\$5,412,037	11.0%	\$5,542,800	11.6%	\$5,399,559	11.4%
<b>TOTAL</b>	<b>\$49,138,646</b>	<b>100%</b>	<b>\$47,858,073</b>	<b>100%</b>	<b>\$47,537,829</b>	<b>100%</b>

**Table 9: Total amount of financial assistance awarded, 2012/13 – 2014/15**

	2012/13		2013/14		2014/15	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$34,052,070	77.87%	\$32,019,820	75.9%	\$31,991,639	75.9%
Financial assistance for expenses not yet incurred	\$9,674,539	22.13%	\$10,188,944	24.1%	\$10,146,631	24.1%
<b>TOTAL</b>	<b>\$43,726,609</b>	<b>100%</b>	<b>\$42,208,764</b>	<b>100%</b>	<b>\$42,138,270</b>	<b>100%</b>

4. Individual figures shown for amounts of financial assistance have been rounded to the nearest dollar. Percentages may therefore not add up to 100%.

**Table 10: Total amount of financial assistance awarded by assistance type, and legal costs ordered, 2014/15**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance	\$21,200	\$10,635,906	\$70,250	\$12,300	\$10,739,656	22.6%
Pain and suffering	–	\$35,000	\$12,500	–	\$47,500	0.1%
Distress	\$30,404	\$7,350,793	–	\$6,000	\$7,387,197	15.5%
Funeral expenses	\$511,185	\$155,265	\$4,356	–	\$670,806	1.4%
Loss of earnings	\$44,747	\$2,825,405	\$380,854	–	\$3,251,006	6.8%
Dependency	–	–	–	–	–	0.0%
Loss/damage to clothing	\$1,563	\$135,126	\$1,217	–	\$137,906	0.3%
Counselling/psychological/psychiatric reports	\$659,840	\$804,269	\$106,662	–	\$1,570,771	3.3%
Counselling sessions	\$2,349,524	\$3,449,927	\$899,249	\$1,480	\$6,700,180	14.1%
Medical expenses	\$374,326	\$2,247,610	\$793,831	–	\$3,415,767	7.2%
Other expenses to assist recovery	\$241,951	\$4,940,767	\$1,041,061	\$8,245	\$6,232,024	13.1%
Safety Related Expenses	\$265,944	\$1,514,265	\$205,248	–	\$1,985,457	4.2%
<b>SUBTOTAL</b>	<b>\$4,500,684</b>	<b>\$34,094,333</b>	<b>\$3,515,228</b>	<b>\$28,025</b>	<b>\$42,138,270</b>	<b>88.6%</b>
Legal Costs		\$5,210,758	\$98,119	\$90,682	\$5,399,559	11.4%
<b>TOTAL</b>	<b>\$4,500,684</b>	<b>\$39,305,091</b>	<b>\$3,613,347</b>	<b>\$118,707</b>	<b>\$47,537,829</b>	<b>100%</b>

**Table 11: Amount of financial assistance awarded as a lump sum payment and for expenses already incurred, by type of assistance, 2014/15**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance	\$21,200	\$10,635,906	\$70,250	\$12,300	\$10,739,656	33.6%
Pain and suffering	–	\$35,000	\$12,500	–	\$47,500	0.1%
Distress	\$30,404	\$7,350,793	–	\$6,000	\$7,387,197	23.1%
Funeral expenses	\$501,446	\$146,960	\$2,178	–	\$650,584	2.0%
Loss of earnings	\$44,747	\$2,825,405	\$380,854	–	\$3,251,006	10.2%
Dependency	–	–	–	–	–	0.0%
Loss/damage to clothing	\$1,563	\$129,133	\$1,217	–	\$131,913	0.4%
Counselling/psychological/psychiatric reports	\$659,840	\$804,269	\$106,662	–	\$1,570,771	4.9%
Counselling sessions	\$312,938	\$1,094,953	\$380,457	–	\$1,788,348	5.6%
Medical expenses	\$233,148	\$1,393,328	\$487,394	–	\$2,113,870	6.6%
Other expenses to assist recovery	\$90,088	\$2,609,652	\$577,269	\$8,245	\$3,285,254	10.3%
Safety Related Expenses	\$58,547	\$849,916	\$117,077	–	\$1,025,540	3.2%
<b>TOTAL</b>	<b>\$1,953,921</b>	<b>\$27,875,315</b>	<b>\$2,135,858</b>	<b>\$26,545</b>	<b>\$31,991,639</b>	<b>100%</b>

**Table 12: Amount of financial assistance awarded for expenses not yet incurred, by type of assistance, 2014/15**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Counselling sessions	\$2,036,586	\$2,354,974	\$518,792	\$1,480	\$4,911,832	48.4%
Medical expenses	\$141,178	\$854,282	\$306,437	–	\$1,301,897	12.8%
Loss/damage to clothing	–	\$5,993	–	–	\$5,993	0.1%
Other expenses to assist recovery	\$151,863	\$2,331,115	\$463,792	–	\$2,946,770	29.0%
Funeral expenses	\$9,739	\$8,305	\$2,178	–	\$20,222	0.2%
Safety related	\$207,397	\$664,349	\$88,171	–	\$959,917	9.5%
<b>TOTAL</b>	<b>\$2,546,763</b>	<b>\$6,219,018</b>	<b>\$1,379,370</b>	<b>\$1,480</b>	<b>\$10,146,631</b>	<b>100.0%</b>

**Table 13: Number of final awards of financial assistance made, and average amount of financial assistance awarded on final determination, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of awards of financial assistance made	4,751	4,755	4462
Amount of financial assistance awarded	\$36,883,856	\$34,883,120	\$34,094,333
Average amount of financial assistance awarded	\$7,763	\$7,336	\$7,641

**Table 14: Number of primary victims awarded special financial assistance and amount awarded on determination of application, by category, 2012/13 – 2014/15**

	NUMBER			DISTRIBUTION		
	2012/13	2013/14	2014/15	2012/13	2013/14	2014/15
<b>NUMBER OF PRIMARY VICTIMS WHO WERE AWARDED SPECIAL FINANCIAL ASSISTANCE BY CATEGORY</b>						
Category A	798	863	758	22.2%	21.6%	20.9%
Category B	869	846	819	24.2%	21.2%	22.6%
Category C	1277	1484	1314	35.6%	37.2%	36.2%
Category D	647	796	735	18.0%	20.0%	20.3%
<b>TOTAL</b>	<b>3591</b>	<b>3989</b>	<b>3626</b>	<b>100%</b>	<b>100%</b>	<b>100.0%</b>
<b>AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY</b>						
Category A	\$6,629,327	\$7,061,873	\$6,213,672	57.8%	59.9%	57.9%
Category B	\$2,705,383	\$2,412,352	\$2,425,305	23.6%	20.4%	22.6%
Category C	\$1,706,370	\$1,828,258	\$1,633,466	14.9%	15.5%	15.2%
Category D	\$427,770	\$495,705	\$454,913	3.7%	4.2%	4.2%
<b>TOTAL</b>	<b>\$11,468,850</b>	<b>\$11,798,188</b>	<b>\$10,727,356</b>	<b>100%</b>	<b>100%</b>	<b>100.0%</b>
<b>AVERAGE AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY</b>						
Category A	\$8,307	\$8,183	\$8,197			
Category B	\$3,113	\$2,851	\$2,961			
Category C	\$1,336	\$1,232	\$1,243			
Category D	\$661	\$623	\$619			
<b>TOTAL</b>	<b>\$3,194</b>	<b>\$2,958</b>	<b>\$2,958</b>			

**Table 15: Number of related victims awarded financial assistance for distress and amount awarded on final determination, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of related victims who were awarded financial assistance for distress	406	360	404
Amount of financial assistance awarded to related victims for distress on determination of application	\$7,341,596	\$6,566,576	\$7,350,793
Average amount of financial assistance awarded to related victims for distress	\$18,083	\$18,240	\$18,195

**Table 16: Amount of legal costs ordered to be paid on the final determination of applications for financial assistance, and average legal costs ordered, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of awards of financial assistance made	4,751	4,755	4462
Amount ordered to be paid for legal costs	\$5,286,043	\$5,383,380	\$5,210,758
Average amount of legal costs ordered to be paid per awarded applicant	\$1,113	\$1,132	\$1,168

## Interim financial assistance

**Table 17: Number of interim awards of financial assistance made where financial assistance was awarded for expenses *already incurred*, and amount awarded 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of interim awards of assistance made by Tribunal members	1,040	893	1099
Number of interim awards of assistance made by judicial registrars	53	223	259
Number of interim awards of assistance made by registrars	399	411	541
<b>TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES ALREADY INCURRED</b>	<b>1,492</b>	<b>1,527</b>	<b>1899</b>
Proportion of interim awards made by registrars	26.7%	26.9%	28.5%
Amount of interim financial assistance awarded for expenses already incurred	\$1,401,097	\$1,521,765	\$1,953,921
Average amount of interim financial assistance awarded for expenses already incurred	\$939	\$997	\$1,029

**Table 18: Number of interim awards of financial assistance made where financial assistance was awarded for expenses *not yet incurred*, and amount awarded, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of interim awards of assistance made by Tribunal members	728	604	822
Number of interim awards of assistance made by judicial registrars	35	134	146
Number of interim awards of assistance made by registrars	314	347	439
<b>TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES NOT YET INCURRED</b>	<b>1,077</b>	<b>1,085</b>	<b>1,407</b>
Proportion of interim awards made by registrars	29.2%	32.0%	31.2%
Amount of interim financial assistance awarded for expenses not yet incurred	\$1,727,220	\$1,950,097	\$2,546,763
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,604	\$1,797	\$1,810

## Variation of awards

**Table 19: Number of awards of financial assistance varied to award financial assistance for expenses already incurred, and average amount of financial assistance awarded, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of awards varied to award further financial assistance for expenses already incurred	1,146	1,030	936
Amount of financial assistance awarded on variation for expenses already incurred	\$2,221,466	\$2,507,806	\$2,135,858
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,938	\$2,435	\$2,282

**Table 20: Number of awards of financial assistance varied to award financial assistance for expenses not yet incurred, and average amount of financial assistance awarded, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number of awards varied to award further financial assistance for expenses not yet incurred	542	542	602
Amount of financial assistance awarded on variation for expenses not yet incurred	\$1,421,781	\$1,386,277	\$1,379,370
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,623	\$2,558	\$2,291

## Applications for review of decisions

**Table 21: Number of applications for review finalised by the Victorian Civil and Administrative Tribunal, by outcome, 2012/13 – 2014/15**

OUTCOME	2012/13		2013/14		2014/15	
Original order/award set aside and new award made on review	4	13.3%	5	17.9%	6	33.3%
Award varied on review	3	10.0%	2	7.1%	1	5.6%
Order affirmed on review	13	43.3%	9	32.1%	3	16.7%
Application for assistance remitted to original decision-maker for determination	1	3.3%	3	10.7%	4	22.2%
Application for review dismissed	1	3.3%	1	3.6%	0	0.0%
Application for review struck out / withdrawn / abandoned	8	26.7%	8	28.6%	4	22.2%
<b>TOTAL</b>	<b>30</b>	<b>100%</b>	<b>28</b>	<b>100%</b>	<b>18</b>	<b>100.0%</b>

**Table 22: Number of awards of financial assistance made or varied by the Victorian Civil and Administrative Tribunal on review, and average amount of financial assistance awarded on review, 2012/13 – 2014/15**

	2012/13	2013/14	2014/15
Number awards of assistance made or varied on review	7	7	7
Amount of financial assistance awarded on review	\$71,192	\$66,208	\$28,025
Average amount of financial assistance awarded on review	\$10,170	\$9,458	\$4,004

# Our Financial Report

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

## Funding source

The Consolidated Fund of the State of Victoria pays for VOCAT's operating costs. The amounts of financial assistance that the Tribunal awards are also paid out of the Consolidated Fund, which is appropriated to the necessary extent.<sup>5</sup>

## Financial assistance paid

In the year ending 30 June 2015, the Tribunal paid a total amount of \$39,425,694 (compared to \$39,983,982 in the previous year). This amount comprises financial assistance paid to victims of crime and fees for service providers and legal practitioners. It represents actual payments made in the reporting period. It therefore does not include amounts relating to awards made in the current or previous reporting periods that were not paid in the current reporting period. Neither does it include financial assistance awarded for expenses not yet incurred or not used by applicants.

## Operating costs

In the year ending 30 June 2015, VOCAT's operating costs were \$2,853,810 compared to \$2,784,087 in the previous year (an increase of 2.5 per cent, compared to our 10.7 per cent increase in the previous reporting period).

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

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

The Magistrates' Court therefore absorbs a large proportion of VOCAT's operating costs, including magistrates' salaries<sup>6</sup>, infrastructure costs and corporate service expenses (such as human resource and finance functions).

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

## Average cost per finalised claim

In the year ending 30 June 2015, the average cost per finalised application for financial assistance was \$467 compared to \$421 in the previous year. This represents an increase of 10.9 per cent following the previous year's increase of 15.3 per cent.

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

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

6. Clause 10 of Schedule 1 to the Magistrates' Court Act 1989 provides that the salaries, allowances and benefits payable to magistrates are to be paid out of the Consolidated Fund.

Financial Statement for year ending 30 June 2015<sup>10</sup>

	NOTE	2012/13	2013/14	2014/15
<b>SPECIAL APPROPRIATIONS</b>	<b>1</b>			
Salaries, Overtime & Ann. Leave		\$1,433,280	\$1,606,799	\$1,610,597
Superannuation		\$125,891	\$141,846	\$147,322
Payroll Tax		\$75,984	\$85,433	\$85,555
Provision For Long Service Leave		\$135,956	\$119,148	\$126,119
Workcover Levy		\$8,852	\$12,717	\$12,902
Fringe Benefits Taxation		\$12	\$14	–
<b>TOTAL SALARIES AND ASSOCIATED EXPENDITURE</b>		<b>\$1,779,975</b>	<b>\$1,965,957</b>	<b>\$1,982,495</b>
<b>OPERATING EXPENDITURE</b>				
Travel & Personal Expenses		\$9,818	\$4,632	\$2,294
Printing, Stationery & Subscriptions		\$73,692	\$73,722	\$20,608
Postage & Communication		\$62,651	\$75,276	\$12,679
Contractors and Professional Services	2	\$375,295	\$350,562	\$273,297
Training and Development		\$7,300	\$14,009	\$2,760
Motor Vehicle Expenses		\$4,223	\$5,068	–
Operating Expenses	3	\$2,670	\$9,356	\$540,795
Witness Payments		–	\$252	–
Other Finance Costs		–	\$70	–
Information Technology Costs		\$19,082	\$26,838	\$4,827
Rent Utilities and Property Services		\$169,944	\$245,089	\$14,055
Repairs and Maintenance		\$11,047	\$13,256	–
<b>TOTAL OPERATING EXPENDITURE</b>		<b>\$735,722</b>	<b>\$818,130</b>	<b>\$871,315</b>
<b>TOTAL SALARIES AND OPERATING EXPENDITURE</b>		<b>\$2,515,697</b>	<b>\$2,784,087</b>	<b>\$2,853,810</b>
<b>SPECIAL APPROPRIATIONS</b>				
Award Payments		\$40,875,682	\$39,983,982	\$39,425,694
<b>TOTAL AWARDS</b>	<b>4</b>	<b>\$40,875,682</b>	<b>\$39,983,982</b>	<b>\$39,425,694</b>

**Notes to and forming part of the financial statement**

This Financial statement is based upon financial data available as at 5 August 2015.

**Note 1** The special appropriation for the salaries and on-costs of tribunal members (magistrates) during the reporting period is reported in the annual report of the Magistrates' Court of Victoria for the year ending 30 June 2015.

**Note 2** The expenditure for the contractors and professional services relates predominantly to legal costs in the year under review.

**Note 3** Operating recoups where previously split across different categories however have been consolidated within the Operating expenses category from 2014-15.

**Note 4** Award payments represents actual payments made for expenses, lump sum payments to applicants and legal costs paid in the reporting period. This does not include awards of financial assistance that were made in the reporting period but not paid as at 30 June 2015.

<sup>10</sup> This Financial statement is based upon financial data available as at 5 August 2015.

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

## **Chief Magistrate**

Mr Peter Lauritsen

## **Deputy Chief Magistrates**

Mr Barry Braun  
Ms Felicity Broughton  
Mr Robert Kumar  
Mr Lance Martin  
Mr Daniel Muling  
Ms Jelena Popovic

## **Magistrates**

Mr Ian Alger  
Mr Clive Alsop  
(retired 12 June 2015)  
Ms Susan Armour  
Mr Julian Ayres  
(appointed 5 May 2015)  
Ms Donna Bakos  
Mr Thomas Barrett  
Ms Luisa Bazzani  
Mr John Bentley  
Ms Angela Bolger  
Mr Timothy Bourke  
(appointed 21 October 2014)  
Ms Jennifer Bowles  
Mr Gerard Bryant  
Mr Darrin Cain  
Ms Suzanne Cameron  
Mr Andrew Capell  
(VOCAT supervising Magistrate)  
Ms Rosemary Carlin  
Ms Amanda Chambers  
(appointed as the President of the  
Children's Court 9 June 2015)  
Mr Michael Coghlan  
Ms Ann Collins  
Mr Gregory Connellan  
Mr David Cottrill  
Mr Rodney Crisp

Ms Jillian Crowe

Ms Sharon Cure  
(resigned 11 January 2015)

Ms Sarah Dawes

Mr John Doherty

Mr Peter Dotchin

Mr Peter Dunn

Ms Michelle Ehrlich

Ms Caitlin English

Ms Rosemary Falla

Mr David Fanning

Mr David Faram

Mr Bernard FitzGerald

Ms Lesley Fleming

Mr Simon Garnett

Ms Jane Gibson

Mr Philip Ginnane

Mr Phillip Goldberg

Ms Anne Goldsbrough

Mr Martin Grinberg

Ms Jennifer Grubissa

Ms Carolene Gwynn  
(appointed 10 March 2015)

Ms Margaret Harding

Mr John Hardy

Ms Annabel Hawkins

Ms Kate Hawkins

Ms Fiona Hayes

Ms Michelle Hodgson

Mr Franz Holzer

Ms Gail Hubble

Ms Audrey Jamieson

Mr Graham Keil

Mr Jonathan Klestadt

Ms Elizabeth Lambden

Ms Catherine Lamble

Mr Nunzio La Rosa

Mr Dominic Lennon

Mr John Lesser

Mr Gerard Lethbridge

Ms Denise Livingstone

Ms Mary-Anne MacCallum

Ms Jan Maclean

Ms Kay Macpherson

Mr Ross Maxted

Ms Ann McGarvie

Mr Andrew McKenna

Mr Gregory McNamara

Mr Peter Mealy

Mr Peter Mellas

Ms Johanna Metcalf  
(VOCAT supervising Magistrate)

Mr Peter Mithen

Mr Stephen Myall

Mr John O'Brien  
(appointed 10 March 2015)

Mr John O'Callaghan

Ms Julie O'Donnell

Ms Kim Parkinson

Mr Anthony Parsons

Mr Richard Pithouse

Ms Roslyn Porter

Mr Hugh Radford

Mr Peter Reardon

Mr Duncan Reynolds

Ms Kay Robertson

Mr Gregory Robinson  
(appointed 1 July 2014)

Mr Charlie Rozencwajg

Mr Ronald Saines

Mr Marc Sargent

Mr Michael Smith

Mr Paul Smith

Ms Sharon Smith

Mr Patrick Southey

Ms Paresa Spanos

Ms Pauline Spencer

Ms Fiona Stewart

<b>Mr Mark Stratmann</b>	<b>Reserve Magistrates</b>	<b>Judicial Registrars</b>
Ms Stella Stuthridge	Mr Ross Betts	Ms Ruth Andrew
Ms Noreen Toohey	Mr John Bolster	Mr Michael Bolte
Ms Cynthia Toose	Mr Lewis Byrne	Mr Graeme Horsburgh
Ms Jennifer Tregent	Mr Brian Clifford	Mr Barry Johnstone
Mr Jack Vandersteen	Mr Thomas Hassard (retired 25 November 2014)	Mr David McCann
Ms Susan Wakeling	Ms Jacinta Heffey (retired 28 January 2015)	Ms Sharon McRae
Ms Belinda Wallington	Mr Louis Hill (appointed 31 August 2014)	Mr Richard O'Keefe
Mr Timothy Walsh	Mr Frank Jones	Ms Angela Soldani
Mr Ian Watkins	Mr Gregory Levine (appointed 14 April 2015)	
Mr Iain West (Deputy State Coroner)	Mr Ian McGrane	
Mr Michael Wighton	Mr John Murphy (appointed 25 March 2015)	
Mr Brian Wright	Mr Peter Power	
Mr Richard Wright	Mr Steven Raleigh	
Mr Francis Zemljak	Mr Alan Spillane	
	Mr Ian Von Einem	
	Mr Peter White	
	Mr Terry Wilson (retired 26 June 2015)	

# Our Locations

## MELBOURNE

### MELBOURNE (HEADQUARTER COURT)

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### BROADMEADOWS

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Civil Coordinator Email:  
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Fax: General Registry 03 9767 1352  
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## FRANKSTON

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Court Coordinator Email:  
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Also see HORSHAM

## HOPETOUN

Shire Offices  
Shire of Karkarooc  
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## KERANG

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## KYNETON

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## MARYBOROUGH

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## MILDURA

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Mildura 3500  
(DX 217506)  
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## OUYEN

Shire Offices  
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Ouyen 3490  
(C/- PO Box 5014, Mildura 3500)  
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Also see MILDURA

## ROBINVALE

George Street  
Robinvale 3549  
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## SWAN HILL

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## RINGWOOD

### RINGWOOD

39 Ringwood Street  
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Ringwood 3134  
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## SUNSHINE

### SUNSHINE (HEADQUARTER COURT)

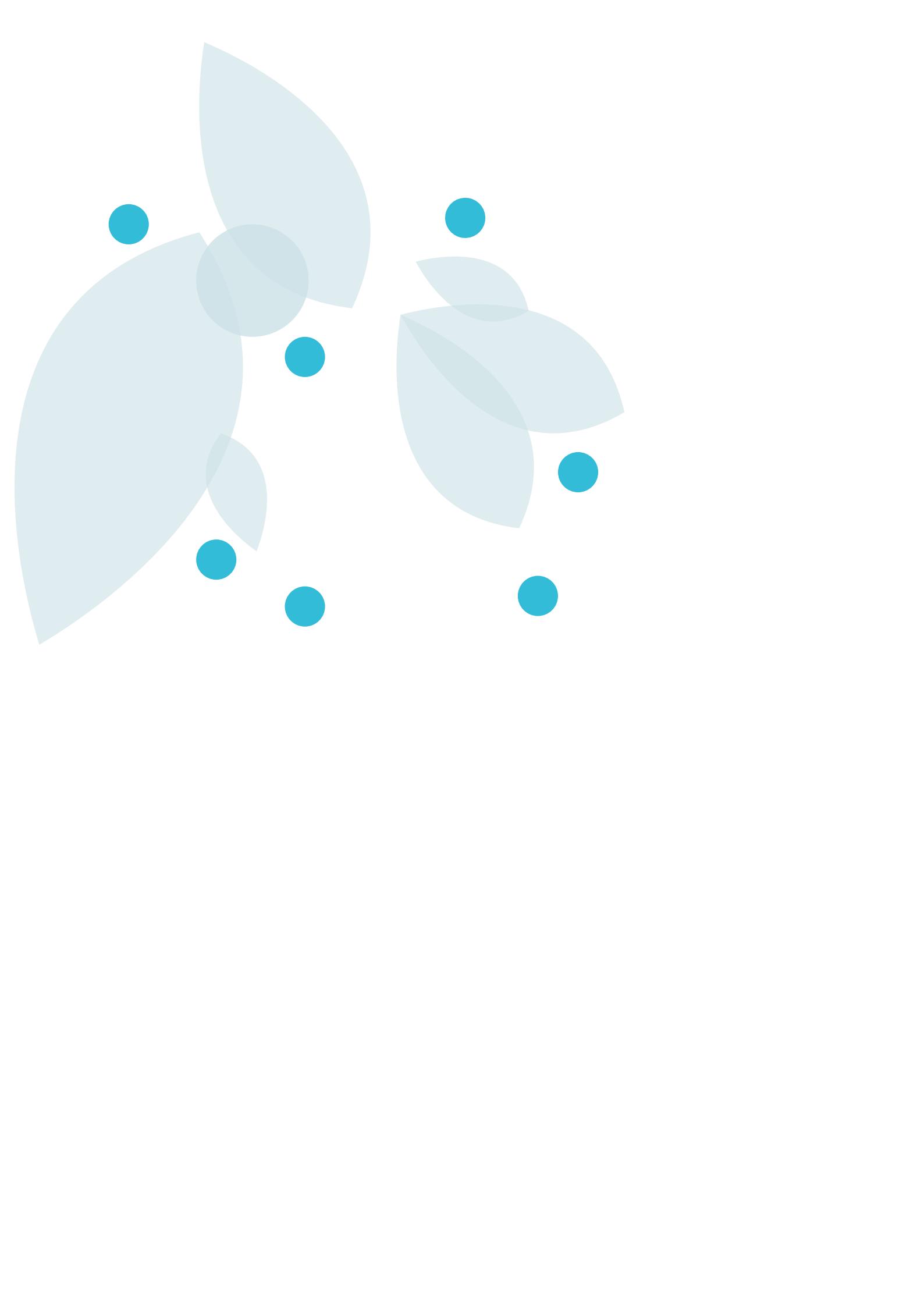
10 Foundry Road  
PO Box 435  
Sunshine 3020  
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# Notes

# Notes





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