

VICTIMS OF
CRIME ASSISTANCE
TRIBUNAL
2011–12
Annual Report



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Letter to Minister

3 September 2012

The Honourable Robert Clark
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 2012.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. Gray', written in a cursive style.

Ian L Gray
Chief Magistrate

Chief Magistrate's Message

This is the Victims of Crime Assistance Tribunal (VOCAT)'s 15th year of operation. It is therefore appropriate to consider the Tribunal's achievements in that time.

Over the last 15 years, VOCAT has become an integral part of the criminal justice system, providing affordable, timely and targeted assistance to help victims recover from the psychological and physical effects of violent crime. In addition to providing financial assistance, VOCAT provides a forum within which victims of crime can have their say, and receive some acknowledgement of their loss and suffering.

As Supervising Magistrate Andrew Capell observes on page 7 of this report, it is important to remember that for a long time there was little recognition of victims in the criminal justice system. Gradually, our criminal laws have evolved to give victims a voice, and VOCAT has played a significant role in that evolution.

In its 15 years, VOCAT has received 62,773 applications, and awarded \$503 million to victims of crime by way of 50,073 awards of financial assistance. The demands on the Tribunal have increased almost every year since it commenced, from just over 1,000 applications in its first year of operation, to more than 6,000 in this reporting period.

A single VOCAT application can generate several interim and variation applications over a six-year period. This recognises that recovery takes time, and ensures victims receive the financial assistance they need to help them through the various stages of their recovery. It also means that processing VOCAT applications is more resource-intensive than statistics alone may suggest.

In the face of increasing workloads, the Tribunal has investigated and adopted many initiatives over the years to improve its responsiveness and efficiency. These have included:

- » increasing the number of awards of interim financial assistance that can be made by registrars;
- » introducing the Koori VOCAT List;
- » working with the Department of Justice on legislative changes to enable delegation of certain Tribunal powers and functions to registrars and judicial registrars;
- » improving training and support for registrars and magistrates, and for practitioners who work with victims of crime;
- » introducing a protocol to establish timeframes for the listing of hearings;
- » the strategic coordination of applications arising from major incidents; and
- » redeveloping VOCAT's website to improve functionality and usability.

This hard work has clearly paid off, as this year's results demonstrate that, for the sixth consecutive year, the Tribunal has finalised a record number of applications. It has done this while also maintaining a consistently low operating cost per finalisation.

Steadily increasing application numbers is a testament to the work that has been done to increase VOCAT's community profile and make it more accessible to victims of crime.

The Koori VOCAT List is one example of the Tribunal's initiatives in this regard. The List began as a two-year pilot project in August 2006. Due to its success, it has continued as part of VOCAT's operations ever since. It was developed on the initiative of VOCAT members and registrars who were aware that members of the Koori community were disproportionately represented as victims of violent crime, but were not accessing the assistance available through VOCAT at a corresponding level. The List represents the Tribunal's effort to engage with the Koori community and develop procedures to ensure Koori victims of crime are able to access their entitlements under the Act.

For many years, applications to the Koori list remained steady – around 145 per year. As this report shows, recent measures to improve access to the Koori List – such as establishing a permanent, full-time registrar, and strengthening community links – have coincided with unprecedented numbers of applications to the list, with 171 received in this reporting period.

CHIEF MAGISTRATE
IAN GRAY



As I have said previously, the cumulative effect of increasing application numbers is stretching VOCAT's resources considerably. There are limits to what the Tribunal can achieve in terms of continuing to respond to increasing demand within the constraints of its existing resources and physical environment.

While the Tribunal has found ways to maintain a level of timeliness in the face of increasing applications, it has struggled to make advances in improving timeliness. It should be noted that unwarranted delay can be discouraging for victims of crime and, in some cases, diminishes the impact of the financial assistance and acknowledgement ultimately granted to them.

It should also be noted that VOCAT's aforementioned low operating costs are possible because many of its expenses – such as magistrates' salaries and corporate services – are absorbed by the Magistrates' Court. As VOCAT case volumes increase (and indeed, case volumes across many of the Court's jurisdictions), so too do workloads on all Magistrates' Court services, staff and judicial officers. This is particularly the case at some of our suburban and regional venues, where there is an increasing reliance on Court-funded staff to keep VOCAT operational. While there are many benefits to this arrangement, it is now becoming imperative that we work towards a more sustainable budget or resource model for VOCAT, located as it is within the Magistrates' Court.

Turning to the current reporting period, the delegation of certain Tribunal functions to judicial registrars was a major initiative aimed at improving timeliness. Since I issued the delegation in February 2012, the Coordinating Committee has overseen its implementation, developing a 12-month pilot program at the Melbourne, Ringwood and Heidelberg Courts. As part of the pilot, judicial registrars at these Courts are now determining more straightforward applications for assistance made by primary and secondary victims.

Since then, I have widened the delegation parameters to allow judicial registrars to conduct hearings where necessary.

With appropriate funding, the Tribunal anticipates judicial registrars will become an invaluable and increasing resource in the future. I thank them for the enthusiasm they have shown in supporting this important initiative.

Being members of the Tribunal is the unseen side of magistrates' work. This report features some of their personal reflections – and those of registrars – on their Tribunal work and how it has affected them. They also reflect on how it helps them to be better magistrates and officers of the Court by providing a different perspective on the criminal justice system. These reflections leave no doubt that VOCAT work can be challenging and emotionally difficult, but the overriding message is of the great privilege it is to hear victims' stories, and the rewards that come from being in a position to help them in their recovery.

I take this opportunity to commend and thank the Tribunal members, judicial registrars and registrars who work so hard within the victims of crime jurisdiction. Statistics alone fail to paint the full picture of their dedication to giving victims a voice and assisting in their recovery. On a daily basis – and with diligence, empathy and a high degree of professionalism – they help people suffering immense trauma as a result of sometimes-horrific crimes. The flow-on effects of their work benefit our community immeasurably.

In particular I thank Supervising Magistrates Amanda Chambers and Andrew Capell, and the members of VOCAT's Coordinating Committee, whose commitment to ensuring the Tribunal remains responsive to the needs of victims of crime means it is well placed to meet future challenges.

About VOCAT

"To have seen victims of crime, to have heard how they feel and how the crime affected them, really helps us to keep a balance to the work we do in each jurisdiction."

SUPERVISING MAGISTRATE ANDREW CAPELL

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 – we acknowledge the effects of violent crime on our community.

Who we are

VOCAT is now in its 15th 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 acting magistrates, including the Chief Magistrate, are also Tribunal members.

VOCAT is unique in being an administrative tribunal within the Court, constituted by members who are also magistrates of the 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 a Supervising Magistrate to support VOCAT's effective operation. Since January 2011, Magistrates Amanda Chambers and Andrew Capell have jointly held this position.

Supervising Magistrates encourage best practice across the regions, and are responsible for liaising with the magistracy, staff and community in relation to issues relevant to VOCAT. They provide feedback and make recommendations to improve the procedural framework VOCAT operates within. 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 may also delegate certain powers under the Act to judicial registrars, VOCAT's Principal Registrar and other registrars.

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

- » 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
- » (in exceptional circumstances) other expenses that will assist a victim.

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 15 years, VOCAT has received 62,773 applications for financial assistance, and awarded \$503 million to victims of crime. This has included 50,073 awards of financial assistance, and 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 more than 6000 applications were received in the current reporting period.

Supervising Magistrate Andrew Capell: A Better Understanding

VOCAT gives magistrates a much better understanding of how victims of crime feel, which then assists us in our role in the Magistrates' Court. In sentencing an offender, a court must have regard to the impact of the offence on any victim of the offence, and the personal circumstances of any victim of the offence. To have seen victims of crime – and families of victims of crime – to have heard how they feel and how the crime affected them, really helps us to keep a balance to the work we do in each jurisdiction.

VOCAT represents victims' way of having their day in court. It's their opportunity to be the full focus of attention. There was no recognition of the victim in the criminal justice system before the *Criminal Injuries Compensation Act 1972*; the focus was always on the offender. Over time, victim impact statements were introduced and the most recent amendment allows victims to themselves read out their victim impact statements, rather than have the prosecutor read them. So victims are now an integral part of our criminal justice system and VOCAT is one arm of that.

The Tribunal does have an ability to determine an application on the papers and can make proposals to avoid the necessity of a hearing. Recently I made one such proposal but was advised the applicant wished to attend a hearing. At the conclusion of the hearing I made an award in the same terms as the earlier proposal. The applicant thanked me for listening and giving him an opportunity to be heard. Often this is what victims want most from the process. In this way the Tribunal can be a therapeutic forum for a victim.

VOCAT recognises victims. Additionally we want to make sure the next generation do not become victims as well.

A family I dealt with lost a son – and brother – as a result of a serious assault. The parents were coping, but their other son wasn't. It emerged he'd recently become a father, and becoming grandparents had provided a beacon of hope for the man's parents. His experience reminded me of a film, *Five Minutes of Heaven*. One of the advantages of VOCAT is its informality and flexibility. In the Court, you're not supposed to reveal much of yourself as a Magistrate, but VOCAT gives you more freedom. So I was able to talk about the film.



Five Minutes of Heaven is about a man's anger as a result of his brother's murder 25 years earlier. The killer had been a juvenile, and wanted to meet and apologise to the man when he was released from jail. There is a scene in which the man's two children looked at their father's angry face.

Talking in the hearing about that movie scene broke the ice. The brother recognised that he also *looked* angry, that he was upset, and it was going to affect his child in the same way as those children in the film. He began to realise that it was really important he didn't visit on the next generation the anger he felt about what had happened.

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 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 statewide network of victim support services and programs. Many victims of crime find out about VOCAT either from the Victims Helpline, the Police, Victims Assistance and Counselling Program, or other victim support services. These services can support victims through the process of applying to VOCAT for financial assistance.

The fact that magistrates also sit as Tribunal members means magistrates presiding over criminal or family violence proceedings can refer victims of crime directly to VOCAT. In some circumstances, this structure ensures an integrated approach. For example, in some family violence proceedings, presiding magistrates may issue family violence protection orders, and then – as Tribunal members – they may make interim awards of financial assistance to help victims of family violence with immediate needs, such as safety related expenses.

Who can apply?

VOCAT can award financial assistance to primary, secondary, and related victims, or anyone else who must pay funeral expenses as a result of a primary victim's death.

A **primary victim** is a person who is injured or dies as a direct result of a violent crime, or who 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

It is free to apply to VOCAT. All applicants must, however, complete and lodge an Application for Assistance form, available at www.vocat.vic.gov.au or from any Magistrates' Court venue in Victoria.

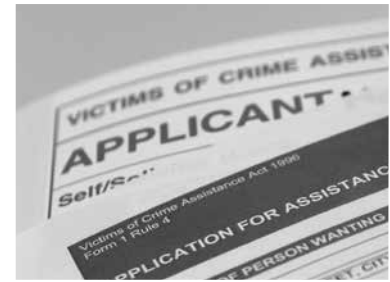
Applicants can usually lodge forms at the Court venue closest to where they live. However, applications must be lodged at the Melbourne Magistrates' Court if:

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

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

"It needs to be understood that, for most people, nothing in their life experience has prepared them to be a victim of a crime"

SUPERVISING MAGISTRATE AMANDA CHAMBERS



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

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. We can also request additional medical or psychological reports.

We ask applicants to provide all the documents they will rely upon to support their claims, for example, reports from treating health professionals. 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 any, 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 and help manage applicants' expectations. This can help us 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, and this is the best way to ensure victims receive the assistance they need without unnecessary delay.

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

Applicants who need urgent assistance (for example, for counselling, funeral or safety related expenses) can seek an interim award of financial assistance. If awarded, this can be paid to them before VOCAT makes a final decision on 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, the member hearing the application can investigate, inquire, and gather any information needed to help make a decision.

Members 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 members 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.

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 cooperation 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 can decide questions of fact on the balance of probabilities (i.e. more likely than not) rather than 'beyond all 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.

In deciding whether or not 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.

Further, 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 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 their injury 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, 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, and holidays to help families regroup after the death of a close family member.

We can pay for future expenses such as ongoing counselling, surgery, or safety expenses such as new locks or security doors, after such services or goods have been provided to the victim and we have received the invoice or receipt. We do not pay for goods or services if the victim does not want or use them.

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 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.

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 make up for the harm a victim has suffered. It is meant as a tangible expression 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.
- » a **related victim** financial assistance of up to \$50,000 for reasonable expenses. A related victim may also be awarded financial assistance 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.

Appeal rights

An applicant who is not satisfied with VOCAT's decision 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.

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 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.

Magistrate Ann Collins: Finding Connections

In both hearings and awards, the Koori VOCAT List makes cultural connection its highest priority.

A lot of people who come before the Koori VOCAT List are disconnected from their culture. We meet members of the Stolen Generation, and some of them talk about their need to reconnect with their culture and country.

So that's why we have an 'acknowledgement of country' before every hearing. That provides acknowledgement from the beginning, even if applicants don't know where they're from, where their mob is. But if they do know, you can see it, you can see their response. It is such a simple thing we do, but they feel immediately they've been acknowledged.

The hearing rooms that we use for VOCAT matters have been smoked, and they contain Aboriginal flags. You can't begin to deal with Koori victims of crime until you acknowledge their history and background, and respect their culture.

What I like about the Koori VOCAT List – and any VOCAT List – is that it is a much more informal process. If I'm relaxed, everybody else is a bit more relaxed. There are still evidentiary requirements, but the means by which you get that evidence is far less formal. You get more information when you're sitting with people, not up high at the bench as in the Magistrates' Court. It encourages people to talk. And a lot of people say how much they appreciate being able to just sit there and talk.

Because of its informality, the VOCAT Koori List allows detailed and personal information to come out. There's no formal swearing in to a witness box, it's not adversarial; it's about actually hearing what people have to say. The Tribunal member and the lawyers are quiet and the applicant is the one who has the voice. So you get genuine information about what they need to assist them.

For example, a female victim of crime had removed herself from an awful environment, experiencing domestic violence. She requested a holiday for her and her kids as an award. But during the hearing, she mentioned having no contact with her country.



By just having the chance to sit and talk, she raised issues around family, being on her own, and mentioned that her family was in another state. It became apparent that she would like to go back there and make connections. Instead of making an award for a holiday, we made an award for a trip to her home state where she and her kids had the chance to reconnect with her country and family members.

She was an amazingly strong woman and she was in a space within herself where she was ready to do that work of reconnection, which she knew would be confronting. But she did it. And to know that she had the support of a government agency to do that, when it was perhaps a government agency that removed her to start with, was a nice circular way back for her to being connected with country. So it was a really powerful day, a great cultural outcome, when she received that award from VOCAT.

The Tribunal – Year in Review

Through the sustained efforts of our VOCAT members, registrars and staff, this year we finalised a record number of applications. We achieved this while working within our existing resources and continuing to accommodate historically high numbers of lodgements, which are also growing in complexity.

Applications lodged

We received 6,163 applications for financial assistance in the reporting period, which is slightly fewer than last year's record number of 6,275. Female applicants again comprised the majority, at 52.2 per cent, compared to 53 per cent in the previous year.

Applications arising from allegations of assault comprised 55 per cent, the same as the previous year. Male applicants made up 57.4 per cent of applicants in this category. Applications where the alleged crime was identified as a homicide offence numbered 457 compared to 543 in the previous reporting period.

We received 268 applications where the alleged crime was identified as a rape offence, compared to 254 in the previous year. There were 30 male applicants (compared to 33 in the previous year), and 238 female applicants (compared to 221 in the previous year) in this category.

See page 31 for further details about applications lodged.

Application outcomes

We finalised 6,403 applications in the reporting period – the highest number ever finalised in a single year. Cumulatively, finalisations have increased by 42 per cent over the last six years.

We awarded 4,346 applicants financial assistance (representing 67.9 per cent of all orders made) compared to 4,891 in the previous year (a decrease of 11.1 per cent).

Additionally:

- » applications were determined at hearings in 29 per cent of cases, similar to 31 per cent in the previous year.
- » 212 applications were refused, compared to 154 in the previous year (an increase of 37.7 per cent). Refused applications comprised 3.3 per cent of all finalising orders made.
- » 1,843 applications were withdrawn by the applicant or struck out by the Tribunal, compared to 1,323 in the previous year (an increase of 39.3 per cent).

- » as in previous years, the majority of awards (84.2 per cent) went to primary victims, with 3,658 awards being made this reporting period, compared to 4,028 last year (a decrease of 9.2 per cent).
- » we made 365 awards of financial assistance to secondary victims, similar to the previous year. Secondary victims represented 8.4 per cent of all awarded applicants, which is slightly higher than the previous year.
- » for related victims, 306 awards of financial assistance were made, compared to 477 in the previous year. Related victims represented seven per cent of all awarded applicants, which is slightly lower than the previous year.

See page 32 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, compared to \$55.04 million in the previous year (a decrease of 13.1 per cent).

The average amount of financial assistance awarded was \$8,169, compared to \$8,564 in the previous year.

Almost all primary victims (96 per cent) were awarded special financial assistance. The average amount of special financial assistance awarded was \$3,173.

Additionally, we awarded:

- » close to \$3.5 million in interim financial assistance. (a 20.5 per cent decrease on the \$4.3 million awarded in the previous financial year). Most awards of interim financial assistance were for counselling expenses, and registrars made interim awards of assistance in 40.9 per cent of cases.
- » \$1.73 million in safety related expenses, compared to \$1.62 million in the previous reporting period. This category of financial assistance for primary victims has been available since July 2010, allowing the Tribunal to make awards for safety related expenses without applicants needing to demonstrate exceptional circumstances.
- » \$5.07 million for all legal costs (including disbursements) incurred in relation to applications, with an average amount of \$1,116 per award of assistance made.

See pages 35 – 40 for details about financial assistance awarded.

Increasing demand for financial assistance

Applications for financial assistance from victims of crime have increased almost every year since the Tribunal commenced on 1 July 1997. The number of awards made has also increased incrementally in response to this demand (see Charts 1 and 2 on page 16).

While the total amounts of financial assistance awarded have generally increased in line with the number of awards made each year, the 2011–12 reporting period saw a decrease in both the number of awards made, and the total amount of financial assistance awarded (see Chart 3 on page 17).

Additionally, the average amount of assistance awarded to applicants has remained relatively consistent over the years, with a slight decrease in the year under review (see Chart 4 on page 17).

Chart 1: Number of applications for financial assistance lodged annually, 1997/98 – 2011/12



Chart 2: Number of awards made annually by legislative scheme, 1997/98 – 2011/12

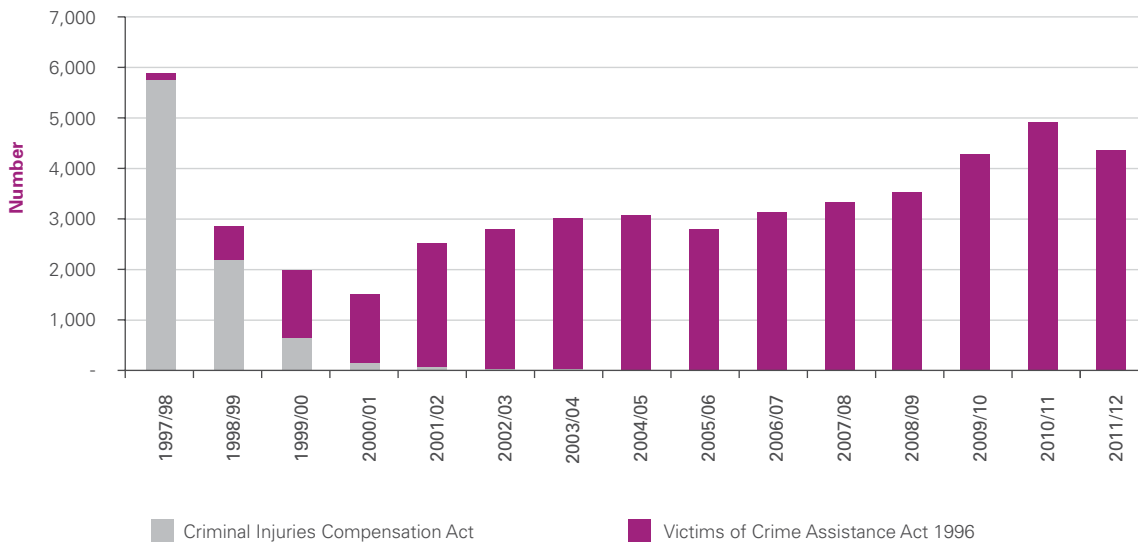


Chart 3: Total amount of financial assistance awarded and legal costs ordered annually by legislative scheme, 1997/98 – 2011/12



Chart 4: Average amount of financial assistance awarded under Victims of Crime Assistance Act 1996 on determination of applications, 1997/98 – 2011/12



Supervising Magistrate Amanda Chambers Humbling Stories

VOCAT can be a source of healing for people under enormous emotional strain.

VOCAT work can be complex, both legally and emotionally. It is a privilege and often a humbling experience to hear victims' stories. It is also a test of your skills as a judicial officer to find the right words to provide both a level of comfort to people and the appropriate acknowledgement of their experiences as victims of crime.

Many victims have been through experiences none of us could ever imagine. It needs to be understood that, for most people, nothing in their life experience has prepared them to be a victim of a crime. Having said that, I am often struck by the bravery and resilience of many victims.

Some crimes, for example the bushfires, had a devastating impact not only on individuals, but on families and their local communities. When we conducted those hearings, the enormity of people's suffering was still profound. For some of them it was the first time they'd spoken about their experiences, and for many this alone was a step forward.

It was a privilege to hear those stories, but also enormously challenging. Speaking to families who have lost a loved one is always difficult, but can prove to be a significant step towards acknowledging their loss.

VOCAT work is very rewarding and I think it makes you a better magistrate. What victims receive financially is often modest and, in the words of the legislation, often symbolic.



But what many victims seek, or what may assist them to recover, can be just that; symbolic recognition of their experiences. For so long victims were ignored in the justice system. There is now universal acknowledgement that this is no longer appropriate.

Applications arising from major incidents – The 2009 Victorian bushfires

We continued to manage applications for financial assistance arising from major incidents, such as the 2009 Victorian bushfires, through our principal registry in Melbourne. This ensures a consistent, timely and coordinated approach for such applications.

We received 502 applications for financial assistance arising from the 2009 Victorian bushfires. The majority of applications relating to the Churchill and Delburn Complex fires have now been finalised.

The further consideration of applications relating to the Murrindindi fires was deferred pending the outcome of the Coronial process. An inquest brief was filed with the Coroner's Office by the Phoenix Taskforce in May 2012. VOCAT has referred applicants to the Bushfire Relief Fund for psychological assistance with grief and distress in the interim.

Appeals from VOCAT

In the reporting period, 33 applications for review of VOCAT decisions were determined by VOCAT. The Victorian Government Solicitor's Office represents VOCAT (as primary decision maker) in all VOCAT 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 eight applications for assistance.

Timeliness

The time it took to finalise applications (measured from the time of lodgement) was slightly longer than previous years. Close to 63 per cent of applications were finalised within 12 months, with 47 per cent being finalised within nine months. At the end of the reporting period, 6,957 applications were pending, compared to 6,954 in the previous year.

Overall, application numbers decreased slightly this year. The cumulative effect, however, of increases in each of the last five years means VOCAT is still experiencing demand that is stretching our resources considerably. Some regional and metropolitan locations have experienced considerable workload increases in recent years. In the Broadmeadows region, for example, finalisations have increased by 50 per cent over five years.

Applications have also become 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 arising from cyber crimes, for example, are becoming more prevalent.

The volume and complexity of applications impacts on the time it takes to finalise them. We have had to respond to increasing application numbers and complexity while working within our existing resources and maintaining consistency in our decision-making.

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

Judicial registrars now at VOCAT

Judicial registrars are independent judicial 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 exercise the powers and jurisdictions as delegated to them by the Chief Magistrate.

There are currently seven judicial registrars appointed to the Magistrates' Court. They sit at various court locations across the Melbourne metropolitan area, as well as at regional and rural court venues.

Last year, we reported that a 2010 amendment to the *Victims of Crime Assistance Act 1996* enabled the Chief Magistrate to delegate certain VOCAT functions and powers to judicial registrars. This created the potential for VOCAT to respond to increasing demand by using judicial registrars to decide more straightforward applications.

Since June 2011, a subcommittee of VOCAT’s Coordinating Committee has worked to develop an appropriate instrument of delegation and supporting protocols to guide a pilot involving judicial registrars in determining applications for assistance.

In February 2012 the 12-month pilot commenced at the Melbourne, Heidelberg and Ringwood Courts. Under the pilot, judicial registrars can determine applications for assistance made by primary and secondary victims, except where:

- » the application is filed outside the two year time limit;
- » the act of violence alleged is a sexual offence; or
- » the act of violence arises in circumstances of family violence and the alleged offender is a family member.

In June 2012, the Committee agreed to widen the parameters of the delegation so that judicial registrars can conduct hearings where necessary.

The pilot was implemented using existing judicial registrar resources. With this in mind, we are closely monitoring efficiencies gained from the pilot, and any impacts of the pilot on existing criminal and civil work also undertaken by judicial registrars.

Interim awards for safety-related expenses

As reported last year, 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 – make awards of financial assistance, having heard the evidence in the one hearing.

Timely hearings

To promote consistency and timeliness in our listing practices, since March 2012 we have listed matters for hearing according to the Chief Magistrate’s listings protocol. This means we aim to list hearings:

- » within six to 10 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.

More efficient case management

We’re moving towards a more efficient case management model at VOCAT’s Melbourne Magistrates’ Court location.

We reviewed our listings and case management practices this year to see where we could improve operational efficiency, and a range of solutions were developed. Part of our new approach means individual VOCAT members will, whenever possible, maintain carriage of files from start to finish. This means fewer files will move between members at different stages of the decision-making process.

The above initiative will reduce the time members spend reading files with which they are unfamiliar, and dealing with unexpected procedural issues. Applicants will benefit from members deciding their cases in a quicker, more responsive manner.

Improving access

VOCAT provides registry services at all of Victoria’s 54 Magistrates’ Court venues, making it accessible to applicants across the State. Members also conduct hearings at these venues so that, in most cases, applicants do not have to travel far. While this arrangement has many advantages, 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.

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 2011), 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 and Counselling 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 assisting victims of crime to access VOCAT.

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 reviewed all VOCAT's written information to see where we could make improvements. In response to demand for user-friendly information about VOCAT, we are now developing a plain language, short-form brochure, and a guide to completing the application form.

We also commenced reviewing and changing our correspondence in an effort to better inform applicants and their lawyers about their applications' progress. Additionally, we are updating the standard letter that accompanies victims' awards, making them more relevant and compassionate.

*We are developing a key contacts list to keep stakeholders up-to-date with our major initiatives and changes. We updated our generic email address (now **help@vocat.vic.gov.au**) and will continue to explore opportunities to modernise the way we communicate with applicants and regular users.*

Contributing to our community

In 2011–12, 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.

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 Magistrate Amanda Chambers contributed to ongoing discussions with the Attorney-General and Department of Justice policy-makers about issues affecting victims of crime. In particular, we provided feedback to the Victim Impact Statement Steering Committee on law reform proposals in this area.

We also worked with Victoria Police to improve the process by which we obtain police information. Benefits will include more timely provision of information, and less reliance on applicants' lawyers to provide it.

In the reporting period, VOCAT's Principal Registrar Robert Challis and Magistrate Chambers gave separate presentations to staff that support the Victims Assistance and Counselling Program (VACP).

Strengthening our public presence

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

Legal and community education

Our members regularly conduct seminars for lawyers who work with victims of crime. In this reporting period, Magistrate Brian Wright presented on VOCAT developments to the Criminal Bar Association.

Members travelled to regional areas to deliver talks. Magistrate Chambers gave a presentation for lawyers, psychologists and other service providers and who work with victims of crime in north-eastern Victoria's Sunraysia region. Among other things, she discussed changes to the ways in which the Magistrates' Court and VOCAT deal with family violence applications. Seminar attendees made valued contributions, with psychologists discussing the types of assistance they felt genuinely helped their clients recover from the effects of violent crime.

We also received positive feedback from the VACP in relation to Magistrate Chambers' presentation at their two-day statewide forum. Ms Chambers contribution was recognised as a 'key factor in making the forum such a great success.'

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

We participated in the Magistrates' Court 'Walk in Her Shoes' tour, presenting information about the Koori VOCAT List. The 'Walk in Her Shoes' tour aims to engage and inform the public, community groups and service bodies about the intervention order process.

The future

We anticipate that application numbers will increase, or at least remain steady, in line with trends over recent years. We also anticipate more complex applications as new laws come into effect dealing with different ways crimes can be committed against the person.

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

- » developing a more efficient and team-based approach to our case management. We envisage that, apart from efficiencies gained, this will improve communication and support provided to the judiciary;
- » launching a new plain language brochure and updating our guides, forms and letters;

- » evaluating the use of judicial registrars;
- » supporting the professionalism of lawyers and other service providers who work with victims of crime; and
- » exploring the use of non-Court venues for hearings;

Koori VOCAT List

This year, 171 applications were lodged in the Koori List – the most in a single reporting period since the List commenced, and an increase of 18.8 per cent from last year. The increase reflects the continuing effort to improve access to the List both within VOCAT and through the work of specialist aboriginal legal services, and the Victim Support Agency's (VSA) Koori Liaison Officer.

We finalised 148 applications this year. This is less than the record 216 applications finalised last year, but is consistent with finalisations prior to 2010–11.

Access

Koori VOCAT List members are Melbourne-based magistrates who also travel throughout Victoria to conduct hearings at venues closer to where applicants live. This reduces the need for applicants in rural or regional areas to travel to Melbourne for hearings.

We have a designated Koori List Registrar, who, like our list members, participates in cultural awareness training. The Koori list registrar was previously part-time, but a full-time registrar has enabled us to enhance our links with stakeholders such as the VSA's Aboriginal Victims of Crime Coordinator, and the Aboriginal Family Violence Prevention and Legal Service (AFVPLS), who represent most Koori VOCAT applicants.

The Registrar is a consistent point of contact for applicants and helps improve communication between members. This provides greater consistency in the way we conduct matters within the List.

Timeliness

Having a dedicated registrar has also helped to speed up many of our processes. However, the events giving rise to their need for VOCAT assistance can severely disrupt applicants' lives; they may not have permanent addresses, or be able to contact lawyers to give instructions, or they may live in remote locations. Wherever possible, the Koori VOCAT List makes allowances for applicants in these situations, which can impact on the time it takes to finalise matters.

In the reporting period, some of our stakeholders provided us with valuable feedback in relation to perceived delays. Our internal inquiries found that any unusual delay was specific to particularly complex individual cases rather than occurring uniformly across the List. We have communicated this to our stakeholders to ensure Koori victims of crime remain encouraged to apply and therefore benefit from what the List has to offer.

Working with our stakeholders

We established bi-monthly meetings with the AFVPLS, which increases our understanding of their needs and alerts us to ways in which we can be more responsive.

Additionally, we invited Victims Support Agency staff to observe the Koori VOCAT list in operation. By making our processes clear, we hope to remove some of the barriers to justice that Koori victims of crime face.

We also strengthened our links with the Koori Family Violence Court Support Workers in the Magistrates' Court Family Violence Program. The Support Workers help to refer Koori victims of family violence to VOCAT, and, through their Koori community contacts, have helped us locate family members for inclusion in related victim applications. Likewise, we can more easily refer Koori VOCAT applicants to the family violence support workers when appropriate.

Future

We plan to implement early directions hearings for certain cases, and in the coming year we will offer AFVPLS solicitors in-house training on how we will conduct these hearings.

We want to encourage the AFVPLS solicitors to represent their clients at directions hearings, rather than feeling they should brief counsel. Apart from contributing to the professional development of solicitors working with Kooris, this initiative will minimise applicants' need to deal with another legal representative, and will result in cost and time savings for all involved.

We are also still trying to secure funding for a Koori Liaison Officer. This has been one of our objectives since the list commenced in 2006, and was a recommendation contained in our February 2010 report on the Koori VOCAT List Pilot. Similar to the Koori Court, we envisage a Koori Liaison Officer would provide cultural and service information to Koori VOCAT members, link applicants to relevant indigenous service agencies, and liaise with those agencies. We believe this would greatly enhance access to justice for Koori victims of crime.

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 Amanda Chambers and Andrew Capell co-chair the Coordinating Committee. Its members include:

- » Deputy Chief Magistrates Daniel Muling and Felicity Broughton;
- » Magistrates Susan Wakeling, David Fanning, Cathy Lamble, Duncan Reynolds, Ann Collins, and Tony Parsons;
- » Judicial Registrar Sharon McRae;
- » VOCAT Principal Registrar Robert Challis, and Registry Manager Sandra Tennant; and
- » Standards and Compliance Officers Melanie Quinn and Donna Caruana.

This year, for the first time, the Committee included a judicial registrar. Because judicial registrars are now also Tribunal decision-makers, this appointment aims to promote consistency between members and judicial registrars, and take into account issues affecting them.

Committee Initiatives

The Committee met monthly during the reporting period, working on many of the initiatives documented in this Annual Report, including:

- » the delegation of powers to judicial registrars, including developing and implementing the associated pilot program at the Melbourne, Heidelberg and Ringwood Courts;
- » amending the Legal Costs Guideline (Guideline 2 of 2011);
- » reviewing public information about VOCAT and considering ways to make it more user-friendly for applicants, support services and the wider community;
- » rewording our case management system's applicant letters to make them more relevant and empathetic; and
- » changing our listing and case management practices to improve our operational efficiency.



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 exchanges information with stakeholders and plays a major role in the professional development of members, staff and stakeholders. This helps to ensure consistent decision-making across VOCAT. It also helps VOCAT remain responsive to the needs of victims of crime, and to prioritise issues according to areas of need.

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

- » training new magistrates and contributing to the ongoing professional development of Tribunal members and staff (see further below);
- » providing training for counsellors and lawyers who work with victims of crime;
- » 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;

- » liaising with Victoria Police to improve access to accurate and timely police information;
- » participating in Department of Justice discussions about the regulation of counselling services for victims of crime; and
- » providing input into proposed law reforms through the Department of Justice Victim Impact Statement Steering Committee.

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 2012, the Tribunal funded 24.6 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, seven registrars, two trainee registrars and one finance officer.

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, significant additional support is provided by registrars and finance officers funded from the Magistrates' Court operating budget.



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, undertaking much of the lead-up work that helps Tribunal members to determine applications.

This includes:

- » obtaining and assessing 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 they are complete;
- » making sure applicants receive their awards of financial assistance; and
- » providing administrative support in relation to applications for the variation of awards.

Registrars also consider and determine applications for interim financial assistance up to \$5000. This accounts for approximately half of all interim financial assistance applications.

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-12-month periods. 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.

Registry review

As part of our ongoing efforts to improve and modernise our core registry functions, in March 2012 the Magistrates' Court Performance Support Unit reviewed VOCAT's Principal Registry operations. The review focussed on registry systems and processes, and legislative and procedural compliance. Solutions aimed at improving efficiency and best practice in these areas were developed. These included a revised training and development structure, and improved reconciliation and auditing processes.

"The work is challenging at times, but the reward is seeing people recover. It's good to know that people can recover from things."

REGISTRAR SUZANNE FRAWLEY

Registrar Suzanne Frawley: Challenges and Rewards

VOCAT is part of people's journey to recovery after trauma.

VOCAT registrars have a lot of responsibility. I've got powers and delegations to make decisions that I wouldn't have in the Magistrates' Court. I can order up to \$5,000 for an interim award application, and I've got discretion over where to direct that money to help applicants with their immediate needs.

It is very emotional work. Some of the stuff you read is horrific, and that's the most difficult part of my job. But the emotional challenges are outweighed by the sense of pride and satisfaction in knowing you are helping those victims. You're awarding tuition for a child who has missed school because they were the victim of a crime. You see psychologist's reports where, at the start, the applicant needed sessions twice a week, but slowly they're going down to fortnightly. So there's a real emotional attachment to how they're doing and seeing that they're improving.

VOCAT work is hands-on. We do all the file management, all the preparation, from the time they come through to the time they're finalised. You become familiar with the applicant and the solicitors. That's different to the Magistrates' Court registry, where you may touch a file only once or twice before it's finalised. Half of my files, I can pick up and I know them back to front.

One of the challenges is conveying our process to applicants. Sometimes they don't understand that we have to wait for outcomes from external agencies before making a decision. I'll contact the applicants and give them updates. And they know they can call and they're going to get an answer. Even if it's not what they want to hear, you've built up the rapport to be able to give them the bad news, help them to understand it.

There's a six-year variation period after an award's finalised. So, for example, a victim might become reclusive and stop working. But after they've gone through lots of counselling, they might be ready to go back to work, but they need vocational training. So they can come back to us and request the funding for that. And you start to see them getting their lives back on track and that's reassuring.



The work is challenging at times, but the reward is seeing people recover. It's good to know that people can recover from things.

It's also rewarding professionally. VOCAT work increases your analytical skills and your ability to identify issues. My written communication skills have improved dramatically. You're constantly drafting letters to solicitors and advice to Tribunal members.

And it's good to have an extensive knowledge in one area. You earn the respect of your colleagues and managers when you know an area very well. It minimises delays. And I've had opportunities to train staff, and do presentations to external agencies, because I've been around for so long. There's a general sense of achievement in working for VOCAT.

Suzanne Frawley has been a VOCAT registrar for three-and-a-half years. Before that she was a registrar in the Magistrates' Court.

VOCAT Website

Our website (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.

This year the website received 19,949 unique visits, compared to 23,327 in the previous year. As with the previous year, the 'Application for Assistance form' was the most commonly downloaded publication/form.



Professional Development

VOCAT's Coordinating Committee works closely with the Magistrates' Court Professional Development Committee. This ensure registrars, 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 ensuring 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 processes. 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. They also conduct regular ongoing professional development sessions for all VOCAT members, and handle day-to-day queries relating to decision-making.

Professional development in 2011–12 also included:

- » Ensuring the inclusion of VOCAT-specific content for magistrates' and registrars' professional development events;
- » training judicial registrars as part of the judicial registrar pilot program;
- » Supervising Magistrate Capell's half-day VOCAT information session for magistrates working in regional Victoria;
- » Supervising Magistrate Chambers' VOCAT presentation at the magistrates intensive in Ballarat;
- » 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.

"It's rare for a newly appointed magistrate to have done victims of crime work. So we take them through the Act and give them some guidance. We help shape the way they approach things, without fettering their discretion. And we're always available to them. That's how you promote consistency".

SUPERVISING MAGISTRATE
ANDREW CAPELL

Our Statistical Report

For the third consecutive year, we received more than 6,000 applications and finalised a record number. 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, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
CASELOAD			
Number of applications lodged	6,193	6,275	6,163
Number of orders made finalising claims	5,920	6,370	6,403
Number of applications pending on 30 June	6,782	6,954	6,957
CASE PROCESSING TIMES			
Proportion of applications finalised within 9 months of lodgement	50.1%	47.5%	47.1%
Proportion of applications finalised within 12 months of lodgement	66.2%	63.5%	62.8%
AGE OF PENDING CASELOAD			
Proportion of applications pending for 9 months or more on 30 June	40.6%	44.5%	45.4%
Proportion of applications pending for 12 months or more on 30 June	30.2%	33.5%	34.8%

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, 2011/2012¹

OFFENCE CATEGORY	NUMBER OF APPLICATIONS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide ²	222	235	457	48.6%	51.4%	7.4%
Rape	30	238	268	11.2%	88.8%	4.3%
Sex (non-Rape) ³	158	625	783	20.2%	79.8%	12.7%
Robbery	258	211	469	55.0%	45.0%	7.6%
Assault ⁴	1,946	1,445	3,391	57.4%	42.6%	55.0%
Abduction / Kidnap	13	16	29	44.8%	55.2%	0.5%
Criminal damage by fire	17	17	34	50.0%	50.0%	0.6%
Burglary	168	181	349	48.1%	51.9%	5.7%
Harassment	27	73	100	27.0%	73.0%	1.6%
Other	109	174	283	38.5%	61.5%	4.6%
TOTAL	2,948	3,215	6,163	47.8%	52.2%	100%

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

2 The *Homicide* category includes offences such as murder, manslaughter and culpable driving.

3 The *Sex (non-rape)* category includes offences such as indecent assault, incest, and sexual penetration of a child.

4 The *Assault* category includes offences such as intentionally/recklessly cause serious injury, reckless conduct endangering life, unlawful assault, assault with weapon.

Outcome of finalised applications

Table 3: Number of orders made upon final determination of applications for financial assistance, by order type, 2009/10 – 2011/12

ORDER	2009/10		2010/11		2011/12	
Application granted / award made	4,304	72.7%	4,891	76.8%	4,346	67.9%
Application refused	156	2.6%	154	2.4%	212	3.3%
Application struck out / withdrawn	1,454	24.6%	1,323	20.8%	1,843	28.8%
Other disposal	6	0.1%	2	<0.1%	2	<0.1%
TOTAL	5,920	100%	6370	100%	6403	100%

Table 4: Number of awards of financial assistance made upon final determination of applications for assistance, by award type, 2009/10 – 2011/12

AWARD TYPE	2009/10		2010/11		2011/12	
Primary victim award	3,535	82.1%	4,028	82.4%	3,658	84.2%
Secondary victim award	338	7.9%	365	7.5%	365	8.4%
Related victim award	416	9.7%	477	9.8%	306	7.0%
Award for funeral expenses only	1	<0.1%	6	0.1%	2	<0.1%
Award made under <i>Criminal Injuries Compensation Act 1983</i>	3	<0.1%	2	<0.1%	1	<0.1%
Other	11	0.3%	13	0.3%	14	0.3%
TOTAL	4,304	100.0%	4,891	100%	4,346	100%

Table 5: Number of awards of financial assistance made, by age and gender of awarded applicants, 2011/12

AGE AT AWARD	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
0 – 18 years	319	364	683	46.7%	53.3%	16%
19 – 25 years	448	226	674	66.5%	33.5%	16%
26 – 35 years	459	302	761	60.3%	39.7%	18%
36 – 60 years	668	609	1,277	52.3%	47.7%	29%
61 years +	94	96	190	49.5%	50.5%	4%
Unknown	206	555	761	27.1%	72.9%	18%
TOTAL	2,194	2,152	4,346	50.5%	49.5%	100%

Table 6: Number of awards of assistance made by category of offence and gender of awarded applicant, 2011/12

OFFENCE CATEGORY	NUMBER OF AWARDS			DISTRIBUTION		
	MALE APPLICANT	FEMALE APPLICANT	TOTAL	MALE APPLICANT	FEMALE APPLICANT	TOTAL
Homicide	185	202	387	47.8%	52.2%	9%
Rape	28	167	195	14.4%	85.6%	4%
Sex (non-Rape)	131	472	603	21.7%	78.3%	14%
Robbery	161	121	282	57.1%	42.9%	6%
Assault	1,472	884	2,356	62.5%	37.5%	54%
Abduction / Kidnap	10	13	23	43.5%	56.5%	1%
Criminal damage by fire	14	19	33	42.4%	57.6%	1%
Burglary	133	155	288	46.2%	53.8%	7%
Harassment	12	55	67	17.9%	82.1%	2%
Other	48	64	112	42.9%	57.1%	3%
TOTAL	2,194	2,152	4,346	50.4%	49.6%	100%

Table 7: Number of applications for assistance lodged, final orders and awards made by Tribunal region, 2011/12

		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, Geelong, Hamilton, Portland, Warrnambool	410	6.7%	385	6.0%	261	6.0%
Broadmeadows	Broadmeadows	602	9.8%	639	10.0%	438	10.1%
Dandenong	Dandenong	511	8.3%	492	7.7%	381	8.8%
Frankston	Dromana, Frankston, Moorabbin	721	11.7%	812	12.7%	589	13.6%
Gippsland	Bairnsdale, Korumburra, Latrobe Valley, Moe, Omeo, Orbost, Sale, Wonthaggi	222	3.6%	267	4.2%	193	4.4%
Grampians	Ararat, Bacchus Marsh, Ballarat, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell	235	3.8%	190	3.0%	135	3.1%
Heidelberg	Heidelberg, Moonee Ponds, Preston	519	8.4%	601	9.4%	377	8.7%
Hume	Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Shepparton, Wangaratta, Wodonga	240	3.9%	268	4.2%	190	4.4%
Loddon Mallee	Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill	283	4.6%	311	4.9%	215	4.9%
Melbourne	Melbourne	1,135	18.4%	1,246	19.5%	778	17.9%
Neighbourhood Justice Centre	Collingwood	71	1.2%	82	1.3%	47	1.1%
Ringwood	Ringwood	455	7.4%	560	8.7%	354	8.1%
Sunshine	Sunshine, Werribee	759	12.3%	550	8.6%	388	8.9%
TOTAL		6,163	100%	6,403	100%	4,346	100%

Financial assistance awarded and legal costs⁵

Table 8: Total amount of financial assistance awarded and legal costs ordered (interim, final determination, by variation and on review), 2009/10 – 2011/12

	2009/10		2010/11		2011/12	
Financial assistance	\$44,977,139	90.7%	\$49,787,530	90.5%	\$42,739,212	89.4%
Legal costs	\$4,605,837	9.3%	\$5,252,358	9.5%	\$5,068,174	10.6%
TOTAL	\$49,582,976	100%	\$55,039,888	100%	\$47,807,386	100%

Table 9: Total amount of financial assistance awarded, 2009/10 – 2011/12

	2009/10		2010/11		2011/12	
Financial assistance for expenses already incurred and lump sum payments (special financial assistance, distress, loss of earnings)	\$34,401,037	76.5%	\$38,008,751	76.5%	\$32,460,416	75.9%
Financial assistance for expenses not yet incurred	\$10,576,103	23.5%	\$11,778,779	23.5%	\$10,278,796	24.1%
TOTAL	\$44,977,139	100%	\$49,787,530	100%	\$42,739,212	100%

⁵ Individual figures shown for amounts of financial assistance have been rounded to the nearest dollar. Percentages may therefore not add up to 100 per cent.

Table 10: Total amount of financial assistance awarded by assistance type, and legal costs ordered, 2011/12

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance	\$8,450	\$11,133,783	\$95,850	\$12,700	\$11,250,783	26.3%
Pain and suffering ⁶	–	\$20,000	–	–	\$20,000	0%
Distress	–	\$5,345,067	\$15,495	\$165,000	\$5,525,562	12.9%
Funeral expenses	\$315,541	\$67,696	\$11,170	–	\$394,407	0.9%
Loss of earnings	\$41,366	\$3,317,930	\$275,796	\$21,000	\$3,656,092	8.6%
Dependency	–	\$20,000	–	–	\$20,000	0%
Loss / damage to clothing	\$2,395	\$188,585	\$1,792	\$1,403	\$194,175	0.5%
Counselling / psychological / psychiatric reports	\$537,532	\$768,819	\$93,223	–	\$1,399,574	3.3%
Counselling sessions	\$1,790,623	\$2,725,730	\$669,208	\$2,600	\$5,188,161	12.1%
Medical expenses	\$358,974	\$2,588,911	\$987,838	\$14,525	\$3,950,248	9.2%
Other expenses to assist recovery	\$213,378	\$8,031,905	\$1,153,844	\$11,022	\$9,410,149	22.0%
Safety related expenses	\$177,325	\$1,294,724	\$258,012	–	\$1,730,061	4.0%
SUBTOTAL	\$3,445,584	\$35,503,150	\$3,562,228	\$228,250	\$42,739,212	100%
Legal costs		\$4,918,493	\$128,011	\$21,670	\$5,068,174	
TOTAL	\$3,445,584	\$40,421,643	\$3,690,239	\$249,920	\$47,807,386	

⁶ Awards for pain and suffering are made where the *Criminal Injuries Compensation Act 1983* applies, and cannot be made under the *Victims of Crime Assistance Act 1996*.

Table 11: Amount of financial assistance awarded as *lump sum payments and for *expenses already incurred*, by type of assistance, 2011/12**

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Special financial assistance*	\$8,450	\$11,133,783	\$95,850	\$12,700	\$11,250,783	34.7%
Pain and suffering*	–	\$20,000	–	–	\$20,000	0.1%
Distress*	–	\$5,345,067	\$15,495	\$165,000	\$5,525,562	17.0%
Funeral expenses	\$300,690	\$67,696	\$11,170		\$379,556	1.2%
Loss of earnings	\$41,366	\$3,317,930	\$275,796	\$21,000	\$3,656,092	11.3%
Dependency	–	\$20,000	–	–	\$20,000	0.1%
Loss / damage to clothing	\$2,395	\$177,082	\$1,542	\$1,403	\$182,422	0.6%
Counselling / psychological / psychiatric reports	\$537,532	\$768,819	\$93,223	–	\$1,399,574	4.3%
Counselling sessions	\$251,452	\$812,158	\$329,156	–	\$1,392,766	4.3%
Medical expenses	\$189,604	\$1,730,981	\$583,328	\$6,500	\$2,510,413	7.7%
Other expenses to assist recovery	\$97,603	\$4,377,640	\$670,687	\$2,605	\$5,148,535	15.9%
Safety related expenses	\$66,014	\$763,419	\$145,280	–	\$974,713	3.0%
TOTAL	\$1,495,106	\$28,534,575	\$2,221,527	\$209,208	\$32,460,416	100%

Table 12: Amount of financial assistance awarded for *expenses not yet incurred*, by type of assistance, 2011/12

ASSISTANCE TYPE	INTERIM AWARD	FINAL AWARD	AWARDED ON VARIATION	AWARDED ON REVIEW	TOTAL	AS %
Counselling sessions	\$1,539,171	\$1,913,572	\$340,052	\$2,600	\$3,795,395	36.9%
Medical expenses	\$169,370	\$857,930	\$404,510	\$8,025	\$1,439,835	14.0%
Loss / damage to clothing	–	\$11,503	\$250	–	\$11,753	0.1%
Other expenses to assist recovery	\$115,775	\$3,654,265	\$483,157	\$8,417	\$4,261,614	41.5%
Funeral expenses	\$14,851	–	–	–	\$14,851	0.1%
	\$111,311	\$531,305	\$112,732	–	\$755,348	7.3%
TOTAL	\$1,950,478	\$6,968,575	\$1,340,701	\$19,042	\$10,278,796	100%

Table 13: Number of final awards of financial assistance made, and average amount of financial assistance awarded on final determination, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of awards of financial assistance made	4,304	4,891	4,346
Amount of financial assistance awarded	\$37,616,974	\$41,887,754	\$35,503,150
Average amount of financial assistance awarded	\$8,740	\$8,564	\$8,169

Table 14: Number of primary victims awarded special financial assistance and amount awarded on determination of application, by category, 2009/10 – 2011/12

	NUMBER			DISTRIBUTION		
	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
NUMBER OF PRIMARY VICTIMS WHO WERE AWARDED SPECIAL FINANCIAL ASSISTANCE BY CATEGORY						
Category A	860	951	834	25.2%	24.4%	23.8%
Category B	756	802	837	22.2%	20.6%	23.9%
Category C	1,212	1,443	1207	35.6%	37.0%	34.4%
Category D	581	700	631	17.0%	18.0%	18.0%
TOTAL	3,409	3,896	3509	100%	100%	100%
AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$6,779,054	\$7,728,546	\$6,724,960	63.5%	63.2%	60.4%
Category B	\$2,053,025	\$2,288,208	\$2,517,488	19.2%	18.7%	22.6%
Category C	\$1,491,455	\$1,787,195	\$1,510,406	14.0%	14.6%	13.6%
Category D	\$360,395	\$431,760	\$380,930	3.4%	3.5%	3.4%
TOTAL	\$10,683,429	\$12,235,708	\$11,133,784	100%	100%	100%
AVERAGE AMOUNT OF SPECIAL FINANCIAL ASSISTANCE AWARDED BY CATEGORY						
Category A	\$7,883	\$8,127	\$8,064			
Category B	\$2,716	\$2,853	\$3,008			
Category C	\$1,231	\$1,239	\$1,251			
Category D	\$620	\$617	\$604			
TOTAL	\$3,134	\$3,141	\$3,173			

Table 15: Number of related victims awarded financial assistance for distress and amount awarded on final determination, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of related victims who were awarded financial assistance for distress	412	463	299 ⁷
Amount of financial assistance awarded to related victims for distress on determination of application	\$8,007,966	\$8,510,214	\$5,345,067
Average amount of financial assistance awarded to related victims for distress	\$19,437	\$18,381	\$17,876

Table 16: Amount of legal costs ordered to be paid on the final determination of applications for financial assistance, and average legal costs ordered, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of awards of financial assistance made	4,304	4,891	4,346
Amount ordered to be paid for legal costs	\$4,489,057	\$5,118,047	\$5,068,174
Average amount of legal costs ordered to be paid per awarded applicant	\$1,043	\$1046	\$1,166

⁷ Higher numbers in the previous two years reflect the high volume of applications relating to the 2009 Victorian bushfires

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 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of interim awards of assistance made by Tribunal members	1,002	1,029	1,149
Number of interim awards of assistance made by judicial registrars	–	–	3
Number of interim awards of assistance made by registrars	1,050	1,063	621
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES ALREADY INCURRED	2,052	2,092	1,773
Proportion of interim awards made by registrars	51.2%	50.8%	35.0%
Amount of interim financial assistance awarded for expenses already incurred	\$1,995,735	\$1,807,809	\$1,495,106
Average amount of interim financial assistance awarded for expenses already incurred	\$973	\$864	\$843

Table 18: Number of interim awards of financial assistance made where financial assistance was awarded for *expenses not yet incurred*, and amount awarded, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of interim awards of assistance made by Tribunal members	646	716	767
Number of interim awards of assistance made by judicial registrars	–	–	2
Number of interim awards of assistance made by registrars	900	905	533
TOTAL NUMBER OF INTERIM AWARDS OF ASSISTANCE MADE FOR EXPENSES NOT YET INCURRED	1,546	1,621	1,302
Proportion of interim awards made by registrars	58.2%	55.8%	40.9%
Amount of interim financial assistance awarded for expenses not yet incurred	\$2,121,703	\$2,479,662	\$1,950,478
Average amount of interim financial assistance awarded for expenses not yet incurred	\$1,372	\$1,530	\$1,498

Variation of awards

Table 19: Number of awards of financial assistance varied to award further financial assistance for *expenses already incurred*, and average amount of financial assistance awarded, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of awards varied to award further financial assistance for expenses already incurred	1,174	1,278	1,137
Amount of financial assistance awarded on variation for expenses already incurred	\$1,881,167	\$2,287,994	\$2,221,527
Average amount of financial assistance awarded on variation for expenses already incurred	\$1,602	\$1,790	\$1,954

Table 20: Number of awards of financial assistance varied to award further financial assistance for *expenses not yet incurred*, and average amount of financial assistance awarded, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number of awards varied to award further financial assistance for expenses not yet incurred	459	457	509
Amount of financial assistance awarded on variation for expenses not yet incurred	\$1,299,092	\$1,277,628	\$1,340,701
Average amount of financial assistance awarded on variation for expenses not yet incurred	\$2,830	\$2,796	\$2,634

Applications for review of decisions

Table 21: Number of applications for review finalised by the Victorian Civil and Administrative Tribunal, by outcome, 2009/10 – 2011/12

OUTCOME	2009/10		2010/11		2011/12	
Original order/award set aside and new award made on review	9	31.0%	6	26%	6	18.2%
Award varied on review	1	3.4%	2	9%	9	27.3%
Order affirmed on review	7	24.1%	4	17%	9	27.3%
Application for assistance remitted to original decision-maker for determination	2	6.9%	1	4%	–	–
Application for review dismissed	–	–	–	–	3	9.1%
Application for review struck out / withdrawn / abandoned	10	34.5%	10	43%	6	18.2%
TOTAL	29	100%	23	100%	33	100%

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, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Number awards of assistance made or varied on review	10	8	15
Amount of financial assistance awarded on review	\$62,469	\$46,683	\$228,250
Average amount of financial assistance awarded on review	\$6,247	\$5,835	\$15,217

Our Financial Report

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.⁸

Financial assistance paid

In the year ending 30 June 2012, the Tribunal paid a total amount of \$38,650,065 (compared to \$44,167,428 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 2012, VOCAT's operating costs were \$2,483,239, compared to \$2,112,244 in the previous year (an increase of 17.6 per cent, compared to our 18 per cent decrease in the previous reporting period).

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

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

The Magistrates' Court therefore absorbs a large proportion of VOCAT's operating costs, including magistrates' salaries⁹, 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 2012, the average cost per finalised application for financial assistance was \$387 compared to \$332 in the previous year.

This represents an increase of 16.6 per cent, following the previous year's significant decrease of 23 per cent.¹⁰

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.

Notes to and forming part of the financial statement

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 2012.

Note 2

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

Note 3

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 2012.

⁸ Section 69(1) of the *Victims of Crime Assistance Act 1996*.

⁹ 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.

¹⁰ This has been calculated by dividing the Tribunal's operating costs for the year ending 30 June 2012 by the number of orders made finalising claims over the same period.

Financial Statement for year ending 30 June 2012¹¹

	NOTE	2009/10	2010/11	2011/12
SPECIAL APPROPRIATIONS				
	1			
Salaries, overtime and annual leave		\$1,439,561	\$1,255,763	\$1,440,363
Superannuation		\$132,815	\$119,202	\$122,231
Payroll taxation		\$79,464	\$70,659	\$77,536
Provision for long service leave		\$97,486	\$-44,048	\$190,867
Work cover levy		\$9,857	\$9,572	\$10,063
TOTAL SALARIES AND ASSOCIATED EXPENDITURE		\$1,759,183	\$1,411,148	\$1,841,060
OPERATING EXPENDITURE				
Travel and personal expenses		\$12,698	\$11,465	\$2,670
Printing, stationery and subscriptions		\$80,716	\$68,554	\$51,181
Postage and communication		\$51,064	\$59,802	\$76,453
Contractors and professional services	2	\$431,346	\$309,941	\$261,368
Training and development		\$18,684	\$30,679	\$7,903
Motor vehicle expenses		\$2,550	\$2,100	\$5,068
Operating expenses		\$5,049	\$3,041	\$1,915
Witness payments		\$330	\$1,337	–
Information technology costs		\$13,232	\$27,790	\$45,256
Rent and property services		\$126,138	\$127,669	\$132,113
Property utilities		\$44,283	\$40,270	\$44,996
Repairs and maintenance		\$18,212	\$18,448	\$13,256
TOTAL OPERATING EXPENDITURE		\$804,302	\$701,096	\$642,179
TOTAL SALARIES AND OPERATING EXPENDITURE		\$2,563,485	\$2,112,244	\$2,483,239
SPECIAL APPROPRIATIONS				
Award payments	3	\$39,929,279	\$44,167,428	\$38,650,065
TOTAL AWARDS		\$39,929,279	\$44,167,428	\$38,650,065

¹¹ This financial statement is based upon financial data available as at 22 July 2012.

Our Directory of Tribunal Members & Judicial Registrars

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Ms Felicity Anne Broughton

Mr Peter Henry Lauritsen

Mr Lance Ivan Martin

Mr Daniel John Muling

Ms Jelena Popovic

Magistrates

Mr Henry Clive Alsop

Ms Susan Jane Armour

Ms Donna Bakos

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt
(retired 2 February 2012)

Ms Luisa Rita Bazzani

Mr John Stephen Bentley

Mr Ross Frederick Betts
(retired 16 January 2012)

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Mr Gerard Robert Bryant

Mr Darrin Cain

Ms Suzanne Lara Cameron

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke
Cashmore

Ms Amanda Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr Simon Mitchell Cooper
(appointed 7 February 2012)

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sharon Elizabeth Cure

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr Peter Gordon Dotchin

Ms Michelle Pauline Elizabeth
Ehrlich (appointed 12 June 2012)

Ms Caitlin Creed English

Mr David Kevin Fanning

Mr Bernard Robert FitzGerald

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Ms Jane Catherine Gibson

Mr Philip John Ginnane
(appointed 29 November 2011)

Mr Phillip Goldberg

Ms Jennifer Anne Benn
Goldsbrough

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

Ms Margaret Gill Harding

Mr John William Hardy

Ms Annabel Mary Hawkins

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Ms Michelle Therese Hodgson

Mr Franz Johann Holzer

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones
(retired 2 July 2011)

Mr Graham Douglas Keil

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio La Rosa

Mr John Leon Lesser

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Jan Maree Maclean

Ms Kay Helen Macpherson

Ms Ann Judith McGarvie

Mr Andrew Richard McKenna

Mr Gregory Laurence McNamara

Mr Peter Harry Mealy

Mr Peter Mellas

Ms Johanna Margaret Metcalf

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan

Mr William John George O'Day

Ms Julie Ann O'Donnell

Ms Denise Mary O'Reilly

Ms Kim Michelle Willmott Parkinson

Mr Anthony William Parsons

Mr Richard John Pithouse

Ms Roslyn Jane Porter

Mr Reginald Hugh Storrier Radford
(appointed 14 March 2012)

Mr Peter Anthony Reardon

Mr Duncan Keith Reynolds
Ms Mary Kay Robertson
Mr Charlie Rozencwajg
Mr Ronald Norman Saines
Mr Marc Anthony Sargent
Mr Michael Leslie Smith
Mr Paul Anthony Smith
Ms Sharon Elizabeth Smith
Mr Patrick Southey
Ms Paresa Antoniadis Spanos
Ms Pauline Therese Spencer
Ms Heather Margaret Spooner
Ms Fiona Margaret Stewart
Ms Stella Maria Dolores Stuthridge
Ms Noreen Mary Toohey
Ms Jennifer Beatrix Tregent
Mr Jack Vandersteen
Mr Ian Maxwell Von Einem
Ms Susan Melissa Wakeling
Ms Belinda Jane Wallington
Mr Ian John Watkins
Mr Iain Treloar West
(Deputy State Coroner)
Mr Michael Gerard Wighton
Mr Brian Robert Wright
Mr Richard Thomas Wright

Acting Magistrates

Mr Brian Sturtevant Barrow
Mr John Douglas Bolster
Mr Brian Joseph Clifford
Mr Thomas Kevin Hassard
(appointed 29 July 2011)
Ms Jacinta Heffey
(appointed 22 August 2011)
Ms Gail Anne Hubble
Mr Frank William Dudley Jones
(appointed 6 March 2012)
Mr Timothy John McDonald
Mr Ian Thomas McGrane
Mr Peter Thomas Power
Mr Steven Raleigh
Mr William Peter White
(appointed 29 July 2011)
Mr Terry John Wilson
Mr Francis Patrick Zemljak

Judicial Registrars

Ms Ruth Andrew
Mr Graeme John Horsburgh
Mr Barry Raymond Johnstone
Ms Sharon McRae
(appointed 16 August 2011)
Mr Peter Mithen
Mr Richard O'Keefe
Ms Angela Assunta Soldani

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Werribee

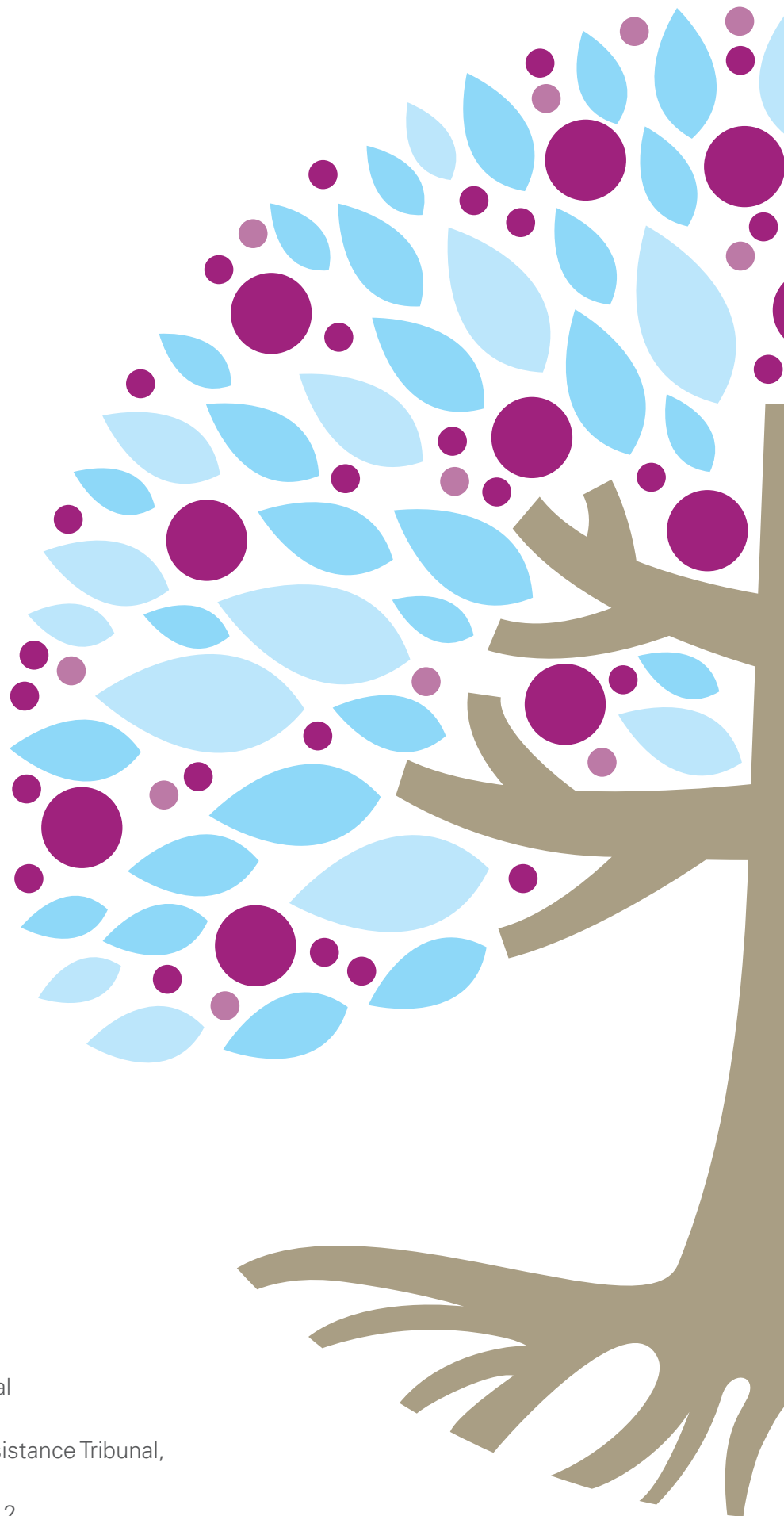
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Authorised by Victims of Crime Assistance Tribunal,
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