



Victims
Of Crime
Support Program
ANNUAL REPORT 2008–2009



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VICTIM SUPPORT ACT

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Wednesday, 23 September 2009

Simon Corbell, MLA
Attorney General
ACT Legislative Assembly
London Circuit
CANBERRA 2601

Dear Mr Corbell

I am pleased to submit to you the Annual Report for the Victims of Crime Coordinator for 2008-2009, pursuant to section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Reports Directions 2007-2010. It has been prepared in conformity with the *Victims of Crime Act 1994*.

I hereby certify that the attached report is an honest and accurate account and that all material information on the operations of the operations of the Victims of Crime Coordinator during the period 1 July 2008 to 30 June 2009 has been included and that it complies with the Chief Minister's Annual Report Directions.

I also hereby certify that fraud prevention has been managed in accordance with Public Sector Management Standard 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the Report to be laid before the Legislative Assembly within 3 months after the end of the financial year.

Yours sincerely

John Hinchey
ACTING VICTIMS OF CRIME COORDINATOR

An agency of the Department of Justice & Community Safety

Abbreviations and Acronyms

AFP	Australian Federal Police (ACT Policing)
AIC	Australian Institute of Criminology
ANU	Australian National University
DPP	Director of Public Prosecutions
DVCS	Domestic Violence Crisis Service
DVPC	Domestic Violence Prevention Council
DVC	Domestic Violence Coordinator
FVIP	Family Violence Intervention Program
JACS	Department of Justice and Community Safety
JAU	Justice Advocacy Unit
SARP	Sexual Assault Reform Program
UN	United Nations
VOCAL	Victims of Crime Assistance League (ACT)
VoCC	Victims of Crime Coordinator
VSACT	Victim Support ACT
VSS	Victims Services Scheme

Introduction

This is the eighth Annual Report of the Victims of Crime Support Program in the ACT. It comprises three reports dealing with aspects of the Victims of Crime Support Program provided by the ACT Government.

PART 1: Victims of Crime Coordinator

PART 2: Victim Support ACT

PART 3: *Victims of Crime (Financial Assistance) Act 1983*



Part 1:
The Victims of Crime Coordinator



Section A: Performance and Financial Management Reporting

A.1 & A.2 Organisation and Overview

The Victims of Crime Co-ordinator (VoCC) is an independent statutory appointment of the ACT Government. The position was established in July 1995 within the (then) ACT Attorney-General's Department pursuant to the *Victims of Crime Act 1994*.

The VoCC has the power to:

1. be present at the hearing of a proceeding in court, unless the court directs otherwise;
2. investigate conduct in the administration of justice where there are reasonable grounds to assume a breach of the governing principles;
3. report matters to the Attorney-General; and
4. do all things necessary or convenient in connection with the performance of her functions.

The primary **clients** of the VoCC are residents and visitors to the ACT who have become victims of crime. Principle **stakeholders** are the victims of crime as a whole constituent group and the ACT Attorney General. Other stakeholders include agencies engaged in the administration of justice, being ACT Policing, the Director of Public Prosecutions, Courts Administration, ACT Corrective Services and Community Youth Justice. Government and non-government services assisting victims of crime are also stakeholders.

The **mission** of the VoCC Office is to enhance the response of the criminal justice system to victims of crime. The core **values** of the VoCC are integrity, independence, trustworthiness, persistence, and effectiveness.

Key objectives of the VoCC are to:

- improve system-wide communication, quality standards and responses to people victimised by crime in partnership with justice and community agencies;
- develop and implement projects and programs;
- encourage and support agencies to implement and sustain operational procedures that observe the spirit and letter of the Governing Principles in the treatment of victims of crime (section 4, *Victims of Crime Act 1994*);
- promote reforms in the administration of justice and in services for people victimised by crime; and,

- ensure that all those engaged in the administration of justice adhere to the Governing Principles in the treatment of victims of crime; and act as an advocate, and information source for people victimised by crime.

By separate appointment, the position-holder also performs the statutory functions of the Domestic Violence Project Coordinator under the *Domestic Violence Agencies Act 2001*.

A.3 Highlights for 2008-2009

Published a major research report, *We Don't Shoot Our Wounded* into access to justice and access to services for Aboriginal and Torres Strait Islander victims of family violence, and assisted development of an Access to Justice Network.

Published the research report, *A Rollercoaster Ride: Adult Victims of Sexual Assault, their experiences with and views about the criminal justice process in the ACT*.

Commenced a project to provide discussion and recommendations on a range of law and service reform in relation to homicide and justice and service responses. Part 1 of the project involves interviews with family and friends of homicide victims in the ACT to identify key themes in responses from the justice system and victim support agencies. The VOCC is indebted to those bereaved families who have participated in the project to date and thanks them for their courage and generosity. Part 2 is a consultancy aimed at reviewing areas of law from a victim's perspective and identifying options for reform.

Conducted a consultation with victims of crime for feedback on their experiences with the justice process.

Developed internal procedures for victim complaints and advocacy within Victim Support ACT.

Managed the strategic planning and review of the inter-agency Family Violence Intervention Program (FVIP).

Contributed to international research collaboration with Canada into justice intervention in family violence.

A.4 Outlook for 2009-2010

In May 2009, the VoCC took leave to complete tertiary studies and an acting VoCC was appointed for a term expiring in April 2010. The priorities for the VoCC remain those specified by the *Victims of Crime Act 1994*.

In November 2007, the ACT Government announced a Review of the *Victims of Crime Act 1994*. The VoCC had called for a review of the Act over a number of years so the initiative was welcomed. However, this impacted considerably on the capacities of the VoCC to perform the statutory functions over 2008-09, and to forward plan.

Meetings commenced between the Department and stakeholders to discuss the review. Unfortunately, progress has been slow and disappointing to date. The main issues that need to be resolved are matters the VoCC has previously highlighted.

- a) The need for a clear statement of what constitutes victims rights
- b) Oversight and promotion of rights
- c) Actioning rights
- d) Advocacy of rights
- e) Investigation and determination process on allegations of breaches of rights
- f) Reporting process on investigations

The outcomes of the review are likely to have significant implications for the VoCC's role and functions. In particular, greater clarity is required around provisions relating to the powers and conduct of an investigation, capacity to make a finding or to substantiate a complaint, and actions arising from reporting on a complaint. The VoCC's powers relating to investigations are unclear and lack any authority to finalise investigations with clear outcomes under the existing provisions. The VoCC has investigated a number of complaints this year that highlight these limitations.

It is hoped that the implementation of the legislative direction decided by Government for the rights of victims of crime, their protection, enforcement and promotion will be a priority for 2009-10.

Specific targets for 2009-2010 will also be to:

- finalise the law and service reform report on *Responses After Homicide*;
- develop the integration of services within Victim Support ACT and maintain a clear delineation between administrative and statutory functions; and,
- implement an access to services plan for Aboriginal and Torres Strait Islander victims.

The Statutory Office

The response of the Government and justice agencies to the VoCC report, *The Quality of Justice: Operation of the ACT Victims of Crime Act 1994 from 1996 to 2007* has been very disappointing. In essence, this report provided the feedback of thousands of Canberrans about their experience of the justice process in the ACT. The recommendations of the report encompassed administrative as well as legislative reform. It called for leadership to guide strategic direction for the implementation of reforms.

Apart from the work that has been done to date by the Department of Justice and Community Safety to progress the review of the *Victims of Crime Act 1994*, no response has been received to those recommendations that called for all agencies in the administration of justice to respond more actively to the interests of victims of crime.

It would be helpful if agencies in the administration of justice were to respond to this report by advising the Attorney General of the extent to which they concur with the report's findings, and the policy and procedural frameworks they have in place to discharge their responsibilities to victims.

Advocacy for Victims of Crime

Systems Advocacy

"Systems advocacy" comprises activities focussed on policy, procedural, service and legislative reform with agencies engaged in the administration of justice. "Systemic issues" refers to areas of practice, procedure, service or law that affect the ability and capacity of agencies engaged in the administration of justice to meet their obligations to victims of crime in a manner that is consistent, reliable, transparent and that lend themselves to proper performance management and accountability.

Systemic issues for victims of crime continue to focus in a number of areas in the administration of justice. Over successive reporting periods persisting systemic issues are:

- (a) **Victim Contact Information** – the capacity and capability of the justice system to collect and store victim contact information remains very restricted and ad hoc.

Section 136 of the *Crimes (Sentencing) Act 2005* provides for information exchanges between criminal justice entities. While the VoCC is specifically listed as an entity under that provision, Victim Support ACT is not. This has led to some uncertainty from criminal justice entities that are listed, whether to share information with staff from Victim Support ACT. Further work needs to be done to identify a policy that sets out what type of information should be exchanged, for what purpose and to who.

- (b) **Reparations** provisions (s19 of the *Crimes (Sentencing) Act 2005*) enable a sentencing Court to consider imposing an order on a defendant as redress for loss suffered by an injured person. In previous annual reports the VoCC has reported persisting problems with this area of procedure. These problems continue to be unaddressed. Victims are not being given the information they require to ask for reparation. Their requests to receive reparation are not being consistently delivered at court, compliance with a reparation order is not part of sentence administration and reparation orders are not being enforced.

- (c) ***Mental health issues*** in the criminal jurisdiction. This year the VoCC held discussions with the president of the ACT Civil and Administrative Tribunal to progress arrangements to assist the tribunal in matters where victims of crime have a relevant interest. The VoCC also met with the DPP to facilitate contact with victims involved in these matters.
- (d) ***Serious and Major Crimes including Homicide*** and the impact on victims of crime is an area that would benefit from the development of inter-agency policy and procedure especially with regard to the coordination of victim support. One death can give rise to numbers of family, friends and witnesses with varying levels of entitlement and involvement for justice and victim agencies.

The VoCC welcomed the review of the *Coroners Act 1997* this year and provided a submission for that review as it related to victims of crime. The VoCC supports the proposals to provide support, counselling and advocacy to bereaved families.

Clients involved in the coronial system can feel overwhelmed and unsupported especially when faced with other parties with extensive legal representation. The family of the deceased, while given courteous responses by the Coroner's Court, nonetheless feel disadvantaged and powerless.

It is hoped that the review of the Coroners Act will result in clear provisions that set out the rights of bereaved families and significant others. These should include the right to notification of proceedings, the right to be present and a right of appearance and to make submissions. Bereaved families should also be informed of any action taken in relation to the body of the deceased, before any such action occurs.

- (e) ***Financial assistance*** for victims of crime remains an important means to address the adverse impact of crime, however the issues raised by the VoCC in last year's annual report continue. The length of time taken in assessing applications and what to victims appears an over-rigid emphasis on legal requirements gives rise to distress amongst a number of applicants. The process becomes seriously unfair when the resources of the Government Solicitor's Office are placed against an unrepresented applicant. It is time to recommence the review into this scheme, which lapsed in 2004.

Advocacy for Individuals

From January 2008, all client contacts and registration were brought together in the new integrated service, Victim Support ACT.

Sexual Assault Reform Program

The ACT Government is to be commended for injecting significant funding for new initiatives to improve the criminal justice system's response to victims of sexual assault.

The Sexual Assault Reform Program is a major inter-agency initiative involving victim agencies, the Canberra Rape Crisis Centre, child advocates, police, prosecution, courts and the legal profession. The success of the program will depend upon interagency cooperation and communication. The progress achieved throughout 2008-09 needs to be consolidated to achieve lasting change for victims of sexual assault.

To support and inform the delivery of the reforms a number of agencies assisted to enable a research project to be completed. The research report *A Rollercoaster Ride: Adult Victims of Sexual Assault, their experiences with and views about the criminal justice process in the ACT*, was published in February 2009. The report provides information principally derived from two studies involving a number of adults who had experienced a sexual assault and who had reported the incident to police. The report could not have been possible without those individuals. Our community is indebted to them for their courage and faithful optimism for change in the ACT criminal justice system.¹

Family Violence Intervention Program (FVIP)

The FVIP is implemented through a coordinating committee representing the partner agencies of ACT Policing, the Office of the Director of Public Prosecutions, Courts Administration, the Department of Justice and Community Safety, Corrective Services, Domestic Violence Crisis Service (DVCS), the Office of Children, Youth and Family Support, and the VoCC. The Legal Aid Office, the Law Society and the Victim Support ACT regularly participate.

A planning workshop with partner agencies was run this year to:

- review the strategic context and operating environment for the FVIP and to consider emerging issues, opportunities and risks;
- review achievements of the FVIP against the 2005-2008; and,
- establish FVIP strategic Priorities for 2008-11.

The FVIP Coordinating Committee and FVIP partner agencies contributed to the success of the day. The following objectives for 2008-11 were identified.

- Seek proper funding for the investigation and prosecution of FV matters, including the establishment of a fully funded FV section in the DPP
- Seek additional funding for the victim advocacy and support functions, including expanding the availability of advocacy to all FV victims especially children in the justice process and the creation of restorative pathways to victim support.
- Seek to continue momentum as exemplars of FV leading practice in the criminal jurisdiction at legislative framework, policy, practice and administrative level

¹ VoCC: *A Rollercoaster Ride, Victims of Sexual Assault*, pp v

- Maintain strong commitment of all FVIP partners to the program
- Ensure victims, offenders, stakeholders and the community have confidence in our processes and services
- Enhance victim safety, protection and recovery, and ensure support throughout the justice process.
- Recognition of human rights of all involved
- Identification of leading practice and assessment of appropriateness of elements for ACT environment – explore options including diversionary interventions, therapeutic approach, and use of specialist courts
- Seek a balance in criminal justice approach and enhance educative focus to encourage offenders to take responsibility for their behaviour
- Reduction in recidivism through deterrence, detection and consequences
- Further development of tailored FV approach and response for key community groups
- Greater integration of data and statistics via centralised database, benchmark targets and independent audit of performance
- Development and use of risk assessment to guide appropriate intervention pathways and to develop early warning approaches for potential first reported offenders and recidivists
- Funding the expansion of the witness assistants program to provide more comprehensive victim assistance for victims of FV as they deal with the criminal justice system
- Manage and deliver a comprehensive evaluation of the FVIP.

The Department of Justice and Community Safety continues its strong support by providing \$70,000 to secure consultants to conduct an independent review and evaluation of the FVIP, and to provide a comprehensive report of findings including recommendations for strategic direction and governance of the program.

As a result of those funds, the Australian Institute of Criminology was engaged to:

- (a) Provide a statistical description of victims reporting incidents of family violence to Police.
- (b) Provide a statistical description of defendants charged before the court for FV offences.
- (c) Determine the proportion of victims receiving information, support, and opportunities to participate in the legal process.
- (d) Provide a statistical description of sentence outcome for both adult and juvenile FV defendants, and re-offending.
- (e) Conduct a survey of a sample of victims paying particular attention to those who may not have had the availability of support services.

- (f) Undertake key person and stakeholder interviews.
- (g) Conduct a national and international literature review of criminal justice interventions to address family violence with particular regard to evaluated outcomes.
- (h) Identify recommendations for improved governance of the FVIP.
- (i) Make recommendations for future directions of the FVIP based on above and prepare a report.

A project management group comprising representatives of key agencies provided practical assistance with access to potential respondents for the survey, the supply of statistical data, identification of key person/stakeholder interviews and expert guidance in examining referral models from other jurisdictions.

Domestic Violence Project Coordinator

Since 2000, the VoCC has been appointed by the Attorney General, under section 11 of the *Domestic Violence Agencies Act 2001*, as Domestic Violence (DV) Project Coordinator. The statutory functions of this position focus primarily on measures to promote the coordination and reform of government responses to domestic violence.

The VoCC discharges these responsibilities in a number of ways, in particular through the coordination of the FVIP, and as an ex-officio member of the Domestic Violence Prevention Council (DVPC). The activities of the Council are the subject of a separate annual report.

Earlier this year the DV Coordinator assisted the DVPC to host an ACT region wide community consultation forum to consider future directions for the ACT in responding to domestic and family violence. The forum was strongly attended by all the key stakeholders in the area of domestic and family violence in the ACT. A number of key themes emerged from the forum that will assist the ACT to improve its response to domestic and family violence.

A.5 Management Discussion and Analysis

The Victims of Crime Coordinator's Annual Report for 2007-2008 discussed the implications of the bringing together of the human and other resources of the VoCC Office with those of the victims services scheme, formerly administered by the Department of Health.

Victim Support ACT now administers the victim services scheme. The VoCC also performs the role as Director, Victim Support ACT.

The bringing together of the statutory responsibilities of the VoCC and the administration of a Government service to victims of crime within Victim Support ACT

continues to present some challenges, as was indicated in last year's annual report. The continuation of this arrangement is subject to the review of the *Victims of Crime Act 1994*.

The administrative and service demands of performing both roles reduce the capacity of the VoCC to deliver statutory responsibilities. However, the integration of the VoCC Office with the victim services scheme, has delivered the intended more seamless service for victims of crime.

If this arrangement is to continue, a clearer delineation between the function of the VoCC and the administrative functions of the Director of Victim Support ACT needs to be articulated, as does the allocation of resources. For example, due to co-location, Victim Support ACT provides administrative support to the VoCC and the Domestic Violence Project Coordinator while the VoCC provides management and strategic direction to Victim Support ACT.

A.6 Financial Report

Over 2008-2009, Victim Support ACT was allocated a budget of \$2,002,000 of which \$1,065,000 was allocated for employee expenses and \$937,000 for non-employee expenses. The VoCC and the DV Project Coordinator are managed within this budget.

Victim Support ACT funded VOCAL for volunteer support workers in the amount \$162,840. VS ACT also provided funding for the Homicide Project for \$9,000 and the Service Model Project in the amount of \$30,000. Payments totalling \$367,000 were paid to Approved Providers for client services.

Funds accumulated by the FVIP in the order of \$12,774 required a roll over to the 2009-2010 financial year. These funds will be set aside to be used against the outcomes of the FVIP review that was commenced this year.

The Procedural Fairness Project funds in the amount of \$3,465 that were rolled forward last financial year were expended for the printing of the final report. The publication was entitled *A Rollercoaster Ride: Adult Victims of Sexual Assault, their experiences with and views about the criminal justice process in the ACT*.

Remaining funds for the Indigenous Access to Justice and Services Project, which were rolled over from last financial year, were expended for the printing of the publication titled *We Don't Shoot Our Wounded*.

Further discussion on financial results and audit is contained within the Annual Report of the Department of Justice and Community Safety.

A.7 Statement of Performance

Discussion on the performance of the VoCC as hosted within Victim Support ACT is contained within the Annual Report of the Department of Justice and Community Safety.

A.8 Strategic Indicators

The VoCC has no strategic indicators to report against for 2008-09. Further discussion on strategic indicators is contained within the Annual Report of the Department of Justice and Community Safety.

A.9 Agency Performance

The performance of the VoCC is discussed under the sections regarding system and individual advocacy.

Section B: Consultation and Scrutiny Reporting

B.1 Community Engagement

Over the reporting period, the VoCC has continued to engage in consultations with Indigenous victims of family violence access to justice and services and bereaved families of homicide victims.

B.2 Internal and External Scrutiny

The review of the *Victims of Crime Act 1994* continues.

B.3 Legislative Assembly Committee Inquiries and Reports

There are no commenced or completed inquiries by Legislative Assembly Committees that relate to the operations of the VoCC to report on over the period 2008-09.

B.4 Legislation Report

Section 7 of the *Victims of Crime Act 1994* sets out the functions of the VoCC as follows:

7 Functions

The coordinator has the following functions in connection with the administration of justice:

- (a) to promote the governing principles mentioned in section 4;
- (b) to encourage the provision of efficient and effective services for victims;
- (c) to promote reforms to meet the needs of victims;
- (d) to develop educational and other programs to promote awareness of the needs of victims;
- (e) to disseminate information concerning the operation of this Act and the functions of the coordinator;
- (f) to maintain a register of services available to victims;
- (g) to ensure, as far as practicable, that victims receive the information and assistance they need in connection with their involvement in the administration of justice;
- (h) to advise the Minister on matters relating to victims;
- (i) any other function assigned to the coordinator by or under any Territory law.

The general function at s7(a) to promote the Act is conducted as a normal and integral feature of the day to day business of the Office. That is, in both statutory and individual advocacy. The requirement at s7(b) to encourage the provision of efficient and effective services to victims is discharged principally through the VoCC ex-officio role on the Victim Assistance Board and secondarily through bilateral discussions with victim agencies. The VoCC promotes reform to meet the needs of victims of crime through providing direct advice to the Attorney General and through participation in departmental, whole-of-government and agency-specific reform initiatives. The VoCC provides information concerning the operation of the Act and the functions of the Coordinator in police training, at the ANU Legal Workshop, in conference presentations and at other appropriate forums.

The capacity of the VoCC to further disseminate information in community or professional education (s7(d)) is limited at this time. This responsibility has been discharged primarily through public speaking at conferences and workshops. Similarly the VoCC has been unable over the reporting period to meet s7(e) of the Act requiring educational and other programs to promote awareness of the needs of victims. The register of services (s7(f)) available to victims is provided in information booklets that are made available to clients and practitioners alike. In addition, the

VoCC Office manages the national victims of crime website to enable easy access from across the country to relevant and appropriate services.

The function required at s7(g) is the most challenging upon the VoCC Office to meet. Victims **who make contact** are those who are directly assisted as appropriate to receive the information and assistance they need in connection with their involvement in the administration of justice.

Section C: Legislative and Policy Based Reporting

Information (where relevant) regarding the following is contained in the Annual Report of the Department of Justice and Community Safety:

- Risk Management And Internal Audit (Section C.1)
- Fraud Prevention (Section C.2)
- Public Interest Disclosure (Section C.3)
- Freedom of Information (Section C.4)
- Internal Accountability (Section C.5)
- Human Resource Performance (Section C.6)
- Workplace Health and Safety (C.9)
- Workplace Relations (C.10)
- Strategic Bushfire management Plan (C.11)
- Strategic Asset Management (C.12)
- Capital Works (C.13)
- Commissioner for the Environment (C.18)
- ACT Multicultural Strategy (C.19)
- Ecologically Sustainable Development (C.21)

Information regarding the staffing profile is contained in the Annual Report of Victim Support ACT.

C.14 Government Contracting

The Department provide special project funding for a review and evaluation of the FVIP. A single select procurement process was undertaken to engage the Australian Institute of Criminology to undertake the project. Approval was sought and gained from the Department's Chief Executive for this process.

A single select procurement process was undertaken to engage Dr Gregor Urbas to review areas of law from a victims lens and identify options for reform.

C.16 Territory Records

A new Records Management Policy and Disposal Schedule for Victim Support ACT and the VoCC, was finalised in the reporting period.

C.17 The ACT *Human Rights Act 2004*

The VoCC is committed to respect, protect and promote human rights in the ACT, and to the delivery of services that uphold Part 2 section 4(a) of the *Victims of Crime Act 1994*.

A special training session for staff on the Human Rights Act 2004 was delivered in 2008-09.

C.20 Aboriginal and Torres Strait Islander Reporting

The Victims of Crime Coordinator finalised a research project in relation to Indigenous victims of crime. The absence of recording of Indigenous status of victims in case files held by the AFP and DPP meant that the research was narrowed to focus only on family and domestic violence crimes.

The research project comprised three parts being:

1. A file analysis of records relating to Indigenous victims of family violence for a specified time period held by the Domestic Violence Crisis Service (DVCS) and the Office of the Director of Public Prosecutions.
2. A series of qualitative interviews with key Aboriginal and Torres Strait Islander people working in the criminal justice system and related agencies.
3. A series of qualitative interviews with Aboriginal and Torres Strait Islander victims of family violence.

A Project Reference Group comprising both Indigenous and non-Indigenous persons assisted the research. The report *We Don't Shoot Our Wounded* was published in March 2009. The first part of the report:

- provides a statistical snapshot of Indigenous victims of crime
- investigates the circumstances of Indigenous victims of crime and
- provides an overview of research on Indigenous victims of crime.

The second part of the report comprises the opinions and experiences of the ACT criminal justice system by Aboriginal and Torres Strait Islander victims of family violence. The report makes a number of recommendations that the community and Government in the ACT should work together to build capacity to tackle family violence, and should:²

1. Make a joint and public commitment to preventing family violence, supporting victims and helping men to live violence-free lives.
2. Ensure that the voices of Aboriginal and Torres Strait Islander victims of family violence continue to be heard.
3. Identify a strategic planning and delivery framework to deliver real changes aimed at supporting and healing Aboriginal and Torres Strait Islander victims of family violence, and carrying forward improvements in their access to justice and to services.
4. Establish a specific service for Aboriginal and Torres Strait Islander women where a range of legal, advocacy, practical and healing activities can be delivered.
5. Develop and implement a community and professional education program stressing that “violence is not our way”, encouraging victims to seek help, and emphasising positive non-violent role models for men.
6. Implement initiatives to resource and assist Aboriginal and Torres Strait Islander people to further support and mentor each other, and to further train and seek qualifications for their work in assisting victims of family violence. These initiatives should expressly integrate spiritual and cultural contexts.
7. Commit to funding arrangements for services to Aboriginal and Torres Strait Islander victims of violence that are on-going and expressly recognise the more complex and intensive case management requirements involved in assisting Aboriginal and Torres Strait Islander victims of violence.
8. Develop a coordinated approach to supporting children and young people affected by family violence that recognises the importance of education and of family; and which offers practical, sustainable and non-punitive support to the parent who is also a victim of family violence.

2 These recommendations are aimed at everyone in the ACT community. At the same time, for this report, “the community” means the Aboriginal and Torres Strait Islander community.

9. Provide advocacy, assistance and support to Aboriginal and Torres Strait Islander women from the time they report to police through the prosecution and court process, and linked to victim support measures aimed at securing their personal, financial and social stability and security.
10. Identify and implement a range of healing, supportive, advocacy and other interventions focussed on addressing the trauma and harm from family violence.
11. Training and other initiatives whether in the community or justice sectors aimed at supporting victims of family violence to access justice and services in the ACT should expressly include components to improve understanding of the dilemmas and experiences of Aboriginal and Torres Strait Islander victims and to minimise stereotyping and discriminatory responses.
12. Invest further in research and evaluation that is aimed at improving Aboriginal and Torres Strait Islander victims of family violence access to justice and access to services.

The Executive Summary of the Report is produced as an appendix to this Annual Report.

C.22 ACT Women's Plan 2004-2009

The VoCC is committed to service delivery that promotes and supports women's rights and access to service. The Victims of Crime Coordinator and the Domestic Violence Project Coordinator acted to promote safe, inclusive communities through involvement in:

- The Domestic Violence Prevention Council,
- The Family Violence Intervention Program, and
- The Sexual Assault Reform Program.

Appendix A

We Don't Shoot Our Wounded
Aboriginal and Torres Strait Islander Victims of Family
Violence Access to Justice and to Services in the ACT

A report from the ACT Victims of Crime Coordinator 2009

Executive Summary³

Family violence in Aboriginal and Torres Strait Islander communities has a high and sometimes controversial profile. Governments and communities across Australia have debated causes, consequences and interventions for many years.

The voices of the Aboriginal and Torres Strait Islander victims of family violence - what they have experienced, how they have sought help and to what effect, and what they think should be done – have too often been marginalised in these debates.

This research commenced at a time when passions and fears were running high as a consequence of the intervention by the Commonwealth Government in the Northern Territory. The Aboriginal and Torres Strait Islander people who agreed to be part of this research at this time – whether as key person interviewees or victims or project group members – did so from a strong belief that family violence should not be allowed to hurt their children, their families, their friends, their colleagues and their communities any longer. Participating in this project took great courage, heart and spirit. The Aboriginal and Torres Strait Islander people who participated believe that their communities are strong enough to look at and talk about this complex problem, and know that people are prepared to go forward together with a range of solutions.

An open community discussion about helping family violence victims between Indigenous and non-Indigenous, and within the Aboriginal and Torres Strait Islander communities will necessarily need to directly acknowledge the suffering and destruction wrought on Indigenous Australians through colonisation. It will also need to acknowledge the abiding harm done to the Stolen Generations, their forebears, families and futures.

Although much is known about the involvement of Indigenous offenders in the criminal justice system, very little is known about the degree to which Indigenous victims engage with the justice system or with the service sectors. Primarily this has been due to the fact that Indigenous status of victims is often poorly or inconsistently recorded in police, courts and prosecutions data, or not recorded at all. This deficiency tends to place the emphasis in the public eye squarely on the over-representation of Indigenous offenders who are incarcerated or die in prison while the voices of Indigenous victims are silenced.

Aboriginal and Torres Strait Islander crime victimisation

Despite data deficiencies in criminal justice data, the national picture is that Indigenous victims are over-represented in offences reported to police compared with non-Indigenous victims. This particularly relates to assault, sexual assault and domestic violence. Based on self-report survey data Indigenous women experience

³ This is a summary of both parts of the research report. Some of the summary text is drawn directly from Part 1 of this report being that written by Taylor and Koeman.

higher levels of physical violence than non-Indigenous women. Indigenous people are more likely to be hospitalised for assault and to die from assault compared with non-Indigenous people. Indigenous women are also more likely than non-Indigenous women to seek refuge from family violence, but while they stay in refuges more frequently than their non-Indigenous counterparts, they do so for shorter periods. The Aboriginal victims of family violence in this report are unanimous in wanting the violence to stop. The combination of verbal, emotional and physical abuse is deeply damaging to their sense of self, their sense of worth and their identity. Aboriginal women who are victims of family violence raise children, hold down jobs, go to college, look after elders and participate in community affairs. Aboriginal women carry the scars of abuse from childhood, through adulthood and into older life. Even with this strength and persistence, family violence creates considerable disruption, undermines the family's financial stability, and breaks community bonds. Everyone is acutely aware also that family violence badly damages children's psychological well-being, their stability and development, and their participation in education and other opportunities.

Aboriginal and Torres Strait Islander women's help-seeking from the justice system is complicated by their profound feelings of responsibility for their families and communities. Many women interviewed for this report felt that, when they needed to call police, then the justice system needed to take the initiative in charging and prosecuting the perpetrator for the violence. At the same time, Aboriginal women felt a high degree of ambivalence and regret that they should be placed in such a position. Their help-seeking can be undermined by ineffective, disrespectful, ignorant and racially stereotypical comments, practices and activities. Gaining access to justice and participating in the system as a victim of family violence can be hard. But it can be made easier if active and practical support is readily available. As one woman said, *"when a woman makes a decision to change her circumstances ... services can get behind her 100%"*

It is apparent that the service needs of Aboriginal and Torres Strait Islander victims of family violence can be high, multi-faceted, complex and involve multiple agencies. This combination of intense and longer term support demands a skilled and well-resourced set of services and workforce. A future strategy demands more transparent recognition of these needs and a more centralised and coordinated approach for the sake of Aboriginal and Torres Strait Islander victims in the ACT and their future generations.

Aboriginal and Torres Strait Islander offending

Indigenous people make up two percent of the total Australian population but account for one quarter of the total prison population, over half (54%) of the total population in juvenile detention in Australia and one quarter of police custody incidents. The most recent prison census data reveals that the rate of imprisonment of Indigenous persons, per relevant population, was 13 times higher than the non-Indigenous

imprisonment rate at 30 June 2006. The majority of Indigenous people in prison at 30 June 2006 were male (91%). About 30% of women in prison in Australia are Indigenous.

Indigenous people were much more likely than non-Indigenous people to be in prison for an act which was intended to cause injury (this includes both aggravated and non-aggravated assault as well as other acts intended to cause injury). About one third of Indigenous prisoners were in prison for this offence compared with 14 percent of non-Indigenous prisoners. Further, 75 percent of Indigenous people imprisoned for this offence had previously been in prison, compared to 53 percent of non-Indigenous people imprisoned for this offence. Acts intending to cause injury were by far the most common offence for Indigenous prisoners. However, for those imprisoned and sentenced for an act intended to cause injury, Indigenous prisoners were likely to receive shorter aggregate sentences than non-Indigenous prisoners.

The high level of contact with the criminal justice system from an early age, the high rates of assault, the higher levels of prior imprisonment for Indigenous prisoners and the suggestion of an increase in Indigenous women's contact with the criminal justice system points to learned behaviour (inter-generational transmission) and the normalisation of violence. The severity of violence and high level of acts intended to cause injury has implications for hospitalisation rates, mortality outcomes due to assault, and homicide rates.

This research finds that those defendants prosecuted in the ACT for family violence against Aboriginal and Torres Strait Islander victims have extensive and violent histories. Despite the widespread belief that Indigenous men are commonly sent to gaol, only one offender out of 25 received a prison sentence for assault occasioning actual bodily harm. Lack of evidence to proceed resulted in just under a third of defendants having charges against them dismissed while 11 defendants were released on recognisance.

It will be important for the Aboriginal and Torres Strait Islander communities to continue to converse about how these findings reveal that both victims and offenders have access to justice.

Factors which may exacerbate contact with the criminal justice system

Violence both perpetrated and experienced by Aboriginal and Torres Strait Islander people cannot be dissociated from broader contributing social, cultural, historical and economic factors. These include the experience of colonisation, the disintegration of traditional laws and community norms, disruption of family and kinship ties, poverty, unemployment, personal stressors and multiple disadvantage, the experience of forced removal from families and substance abuse.

The findings suggest that Indigenous contact with the criminal justice system is the product of a complex interplay of factors which cross generations. Indigenous people, whether victims or offenders or both, may be impacted by inter-generational

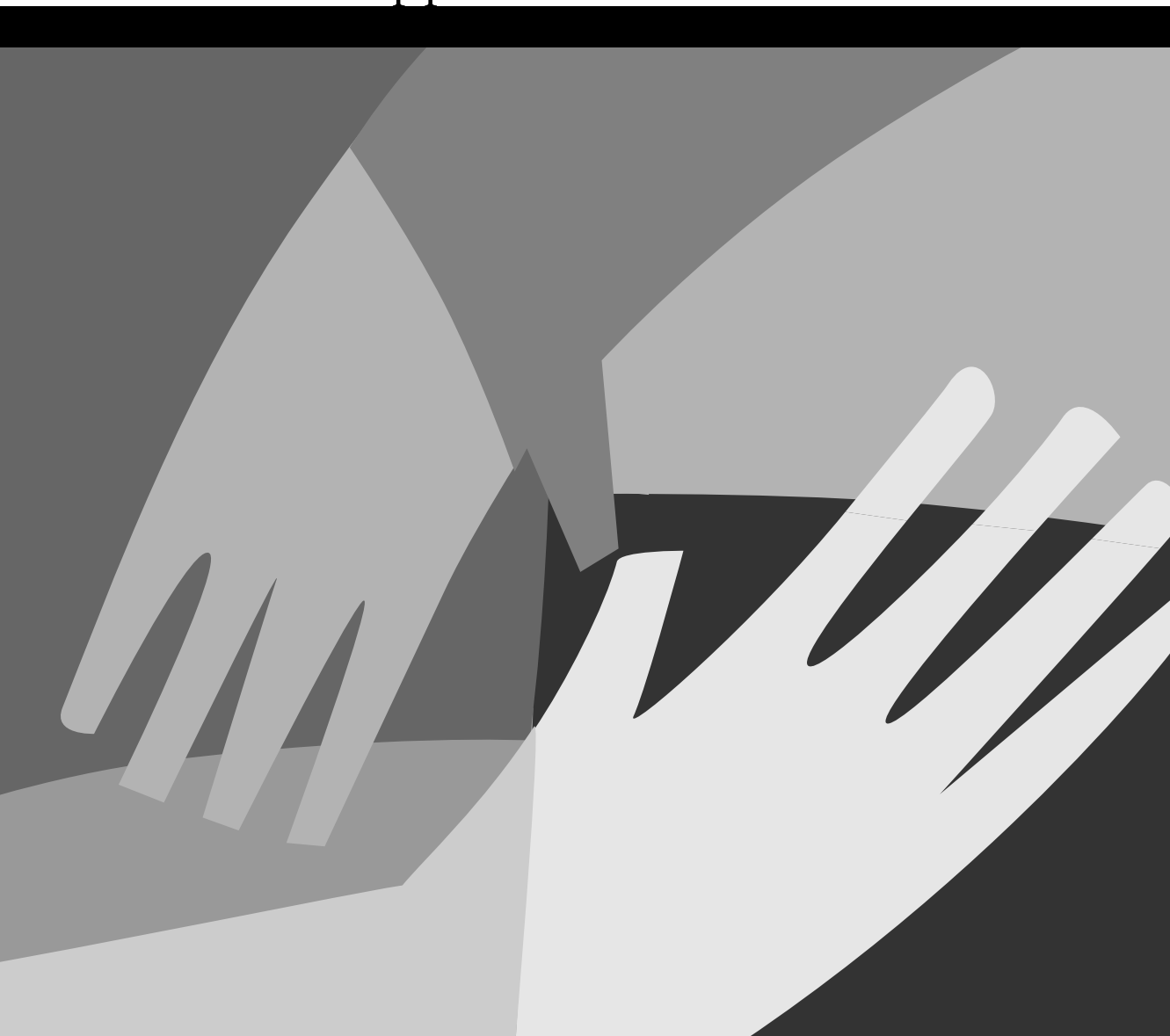
and trans-generational post traumatic stress and this can impact on their ability to deal on a daily basis with the multiple other stressors in their lives. Indigenous people commonly also identify discrimination as a key factor contributing to the problems they face.

The findings suggest a need for strategic, multi-layered and sustainable ways forward. Such an approach should include interventions such as counselling (or 'healing'), targeted assistance and high level support to alleviate multiple stressors which put Indigenous people at risk of victimisation and/or offending. A criminal justice response which acknowledges this interplay of factors and provides targeted programs as a core part of its system is also needed. Such a response could include linking with health, education, employment, social security, housing, child protection and other service providers and require flexibility in terms of tailoring and specifically designing programs with a rehabilitative and restorative emphasis for Indigenous offenders and Indigenous victims. An explicit recognition of the importance of community to Indigenous people is essential.

Aboriginal and Torres Strait Islander Victims Access to Justice and Services

Indigenous victims who do engage with support services and the criminal justice system in the ACT generally receive a high level of support. However many Indigenous victims of violence choose not to pursue a criminal justice pathway as this does not meet their needs. Often police will be called in order to remove the immediate threat of violence but arrest or prosecution of the offender may not be the desired outcome for many victims. This 'instrumental' use of police has potential to create misunderstanding between victims and police due to differing objectives and different understandings of the role of police when called to attend violent incidents. Some victims choose a civil justice pathway (either through approaching a support agency or obtaining medical assistance or taking out a Domestic Violence Order), while others may turn to friends and family to seek help. Agencies outside the criminal justice system, such as hospitals, community health services, support services and refuges, need to be sufficiently staffed and resourced to deal with the disproportionately high demand and the particular needs facing Indigenous victims relative to non-Indigenous victims.

Part 2:
Victim Support ACT



Section A: Performance and Financial Management Reporting

A.1 Organisation

Victim Support ACT is an agency within the Department of Justice and Community Safety that administers the victims services scheme and delivers justice advocacy services to victims of crime. From July 2007 the person performing the functions of the Victims of Crime Coordinator (VoCC) was delegated by the Chief Executive to administer Victim Support ACT under the title of Director. While the VoCC is a statutory independent position, the Director reports to the Deputy Chief Executive of the Department.

The mission of Victim Support ACT is to create “*a centre of excellence in providing assistance to victims of crime in the ACT*”. The agency provides a comprehensive range of services.

The victims services scheme is established pursuant to section 19 of the *Victims of Crime Act 1994*. The *Victims of Crime Regulations 2000* (s21) nominates the Chief Executive as the responsible service agency to provide the victims services scheme. Section 22 sets out the functions of the Responsible Service Agency being:

- (a) to decide the eligibility of people for the different levels of services under the victims services scheme; and
- (b) to provide, or arrange for the provision of professional services for victims in accordance with this regulation and the guidelines made under section 17 (Guidelines); and
- (c) as appropriate, to refer victims to other entities who provide other assistance and support to victims; and
- (d) to keep records about victims for which services are provided; and
- (e) to train and supervise people engaged by it to provide services; and
- (f) to report to the Victim Assistance Board on the services it provides and the provision of services it arranges; and
- (g) to evaluate the day-to-day operation of the victims services scheme; and
- (h) to establish a victims support network in consultation with community organisations and other entities that deal with victims; and
- (i) to provide a telephone contact for people seeking information about, or services under, the victims services scheme; and
- (j) to develop and maintain a volunteer program to provide practical assistance and support to victims and to train and supervise volunteers for the program; and

- (k) to provide victims with information about the criminal justice system, the operation of the victims services scheme and complaint procedures; and
- (l) to keep financial records of its operations under the victims services scheme.

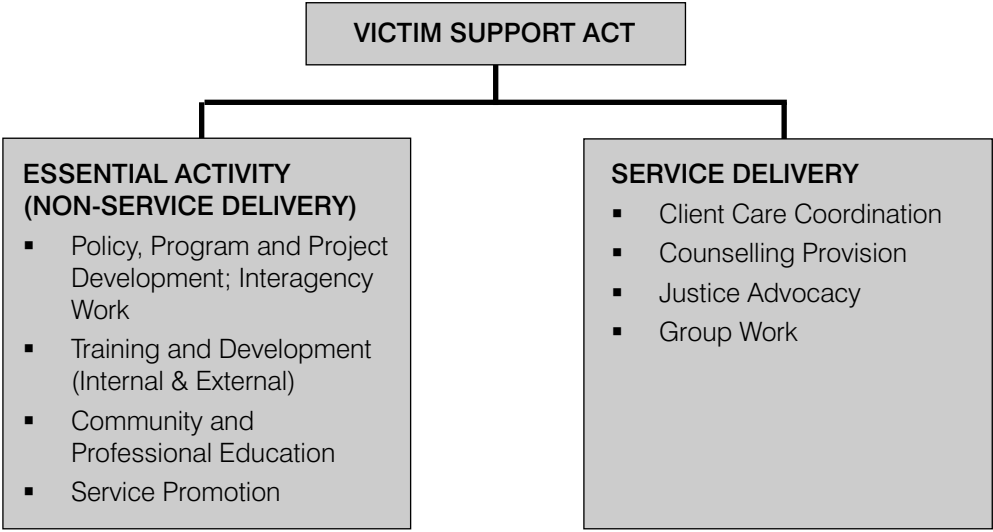
The Regulations provide for the objects of the victims services scheme being:

- (a) to provide assistance to victims of crime that will—
 - (i) promote their recovery from the harm suffered because of crime; and
 - (ii) allow them to take part in the social, economic and cultural life of their community; and
- (b) to provide the assistance to victims of crime using a multidisciplinary approach; and
- (c) to provide the assistance to victims of crime in ways that are:
 - (i) timely; and
 - (ii) accessible; and
 - (iii) solution-focused; and
 - (iv) professional; and
 - (v) individualised; and
 - (vi) appropriate to the victim.

Guiding principles for Victim Support ACT are that service delivery of the victims services scheme will:

- be holistic, comprehensive and client-centred;
- support recovery for victims and their reconnection to family, friends and community;
- use an inter-disciplinary and team-based approach that respects the individual, their capacities and privacy;
- be timely, accessible, solution-focussed, professional, individualised and appropriate to the victim;
- promote choice, engagement and voice for victims; and
- uphold the governing principles of the *Victims of Crime Act 1994* and the *Human Rights Act 2004*.

TABLE 1: Services of Victim Support ACT



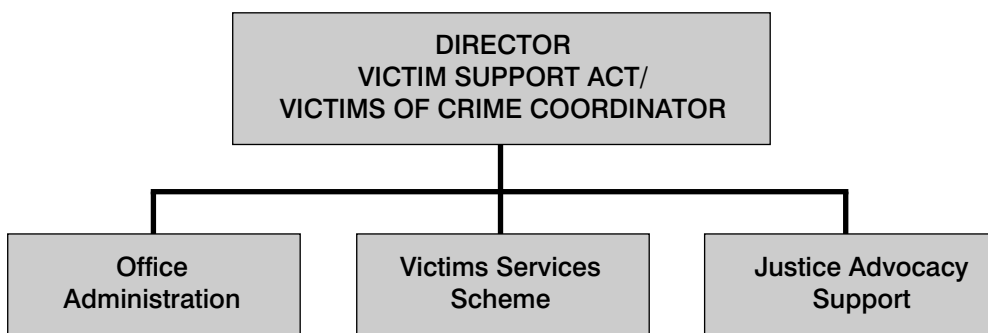
The staff of Victim Support ACT work together to provide multi-disciplinary care, support and advocacy for victims of crime. Staff are supported by team leaders with expertise in either client care coordination or justice advocacy.

Client Care Coordinators are qualified social workers, psychologists or counsellors employed by the agency to provide expert counselling and referral services to victims of crime in the ACT.

Justice Advocacy services are also provided to clients. These include:

- assisting people with their engagement in the administration of justice,
- providing information and assistance with regard to the rights, responsibilities and entitlements of victims of crime,
- providing information about the progress of a person’s case in the administration of justice,
- contributing to individual victim care plans developed within Victim Support ACT,
- promoting the General Principles for the Treatment of Victims of Crime under the *Victims of Crime Act 1994*, and
- implementing projects and programs designed to enhance the role of victims of crime in the administration of justice.

TABLE 2: Structure of Victim Support ACT



Clients of Victim Support ACT are people who have been victims of crime in the ACT, their family and friends and witnesses to incidents. Victim Support ACT also provides information and referral to residents of the ACT who have become a victim of crime in other Australian or overseas jurisdictions.

People must be eligible under the *Victims of Crime Act 1994* to receive services. The eligibility criteria are if:

- (a) a person (**the primary victim**) who suffers harm—
 - in the course of, or as the result of, the commission of an offence; or
 - in the course of assisting a police officer in the exercise of the officer's power to arrest a person or to take action to prevent the commission of an offence; or
- (b) where a primary victim dies as a result of the commission of an offence—any person who was financially or psychologically dependent on the primary victim immediately before his or her death; or
- (c) a person who witnesses the commission of an offence in circumstances in which it is probable that he or she would suffer harm; or
- (d) a primary victim, a related victim or an eligible property owner within the meaning of the *Victims of Crime (Financial Assistance) Act 1983*.¹

However, under the Victims of Crime Regulations persons are not deemed to be eligible victims if they are a person:

- (a) who suffers harm caused by, or arising out of, the use of a motor vehicle; or
- (b) who suffers harm (directly or indirectly) as a result of committing an offence.

¹ Under s16 of the *Victims of Crime (Financial Assistance) Act 1983* a **related victim** in relation to a deceased primary victim is a person who, at the time of the primary victim's death, had any of the following relationships with him or her:

- (a) the person was a close family member in relation to the primary victim;
- (b) the person was a dependant of the primary victim;
- (c) the person had an intimate personal relationship with the primary victim.

And, under s21 of this Act, an **eligible property owner** is a person whose property is damaged while the person was assisting a police officer.

Stakeholders of Victim Support ACT include government agencies engaged in the administration of justice and community organisations such as the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Women's Legal Centre, the Canberra Men's Centre, and Victims of Crime Assistance League (VOCAL) (ACT) Inc.

A.2 Overview

Establishment of Victim Support ACT

Victim Support ACT arose from a review of the victims services scheme conducted by the Department of Justice and Community Safety over 2005-2006 and assisted by an expert reference group.

A key focus of that review was that victims of crime should receive "consistent, coordinated, seamless and personalised service delivery". The review put forward options to achieve this aim. In endorsing the overall aim, the ACT Government accepted the option to bring the victims services scheme within the Department of Justice and Community Safety and directed the establishment of a 'one-stop shop' for victims of crime. The Government's decision sought to integrate the rehabilitation and support needs of clients with their need to access financial assistance, advocacy and court support.²

Strategic Planning and Implementation

During the 2008-2009 financial year Victim Support ACT has focussed on implementing the following critical service priorities.

- **Achieve efficient and effective integration of teams**

All staff attended a team building day facilitated by an external provider to consolidate previous team building exercises. The team identified its achievements to date and some challenges ahead.

- **Implement an integrated approach to client service delivery**

A consolidation of the processes outlined in the last annual report has been undertaken. A single point of contact for all new callers to the agency has been implemented and a single registration and client file system has been streamlined.

A project officer, helped develop policies and processes in line with the single registration and file management system.

New policies have now been developed and adopted including client reception; intake; rights and complaints management; case coordination and management; client file management; staff professional fees reimbursement; staff development

² Final Report of the Reference Group for the *Review of the Victims Services Scheme (VSS)*, (undated), ACT Department of Justice and Community Safety, Canberra, p.4-6.

and support; approved service provider recruitment; and referral to approved providers.

Staff receive training and support to deliver services to victims of crime. An administrative receptionist position has been created to streamline the processing of incoming telephone calls.

- **Identify and plan for innovation and development in services**

A service model project commenced to enquire into and report on leading practice in services and interventions for victims of crime.

In addition a joint project with ACT Policing was commenced to survey victims of crime to examine leading practice in responding to victims.

- **Ensure staff support and retention:**

Staff supervision, support and training processes have been formalised and all staff participate in ongoing regular clinical and line supervision, in addition to the regular staff development opportunities offered by the JACS training and development unit. A consultant counsellor has been engaged to deliver group clinical supervision to client care coordinators and justice advocates. The aim of this exercise is to build team cohesion and common understandings of work practice.

Approved Providers

Under section 22 of the *Victims of Crime Regulations 2000*, the responsible service agency is required:

- (b) to provide, or arrange for the provision of, professional services for victims in accordance with this regulation and the guidelines made under section 17 (Guidelines).

A review of the victims services scheme in 2005-2006 recommended that the vetting of providers "should reside inside the responsible service agency delivering the scheme to ensure sectoral familiarity with institutions, processes and players."³ The Victims Assistance Board endorsed the recommendation and, in the last quarter of 2007-08, requested that the Chief Executive amend the Regulations to give it effect. In this reporting period temporary administrative arrangements for the recruitment, approval, contracting, management and regulation of Approved Providers were implemented.

Over the reporting period, a total of 64 private providers of counselling, psychotherapy, natural therapies, massage therapy and psychological services in the ACT were engaged to provide professional services to victims of crime. An additional 18 providers in jurisdictions outside of the ACT were approved as "authorised exceptions" to deliver professional services to people victimised in the ACT but resident elsewhere.

3 *Ibid.*, p.5

An operational handbook for providers has been developed and circulated and a service manual listing all the approved providers is maintained. The manual contains information about providers including their qualifications, disability access, specialisations, preferred client groups and the clinical services each have on offer. The information assists Victim Support ACT staff to make informed decisions for clients about the appropriateness of any given referral.

A.3 Highlights

Proactive Service Delivery

During the reporting period approximately 4,000 hours of professional service was delivered to victims of crime at a cost of \$367,265.00.

Individual victim support packages were developed for clients with specialised needs. The agency adopted greater flexibility in the identification and delivery of services to clients to assist them to better meet their recovery goals. This process is undertaken in consultation with clients.

Victim Support ACT was successful in securing funds in the 2008-2009 Budget for an integrated victim database. The scoping and technical analysis of this database commenced this year. It is expected that the database will be operational by the next reporting period.

A transitional access database developed by InTACT was introduced at the beginning of the 2008-2009 reporting period.

Improved Service and Information Access

The 1800 number remains the first point of contact for all callers to Victim Support ACT.

Over the reporting period, the suite of client information guides on a range of topics were reviewed and updated. These information guides are:

- What is Counselling?
- Normal Reactions to Trauma
- Victims of Crime and the Criminal Justice System
- Giving Evidence
- Managing Grief and Loss

A new brochure on Client Rights and Responsibilities was developed. This brochure is sent to all new clients of the service following initial contact.

The information guides may be viewed at the Victim Support ACT webpage www.victimsupport.act.gov.au

Service Development

A key feature of the integrated service being offered by Victim Support ACT is the multi-disciplinary approach to client support. By combining justice advocacy services with counselling and recovery services, members of the ACT community receive a more comprehensive and holistic response to their needs. The main features of this integrated approach are that:

- a client has a single file and one contact person within the agency working to achieve their desired outcomes;
- intake staff work across disciplines and with a number of intervention strategies;
- intake staff are supported by team leaders;
- justice advocacy services are better articulated;
- training and development opportunities are being created to equip staff with the skills to work with all relevant disciplines.

The Service Model Project and the Police Victim Referral Project will inform the development of future services.

Sexual Assault Initiatives

The Sexual Assault Reform Program (SARP) instituted by the ACT Government created significant opportunities for agencies to provide intensive and coordinated support to victims of sexual offences.

As part of SARP, Victim Support ACT has been involved with partner agencies in the development and implementation of the Wraparound support program for victims of sexual offences.

The Wraparound program aims to meet the needs of victims to be supported through the criminal justice process. It involves four services: ACT Policing, the Canberra Rape Crisis Centre, the Office of the Director of Public Prosecutions and Victim Support ACT.

Wraparound partner agencies work to ensure that victims who have reported a sexual offence to police are offered support and assistance throughout the criminal justice process. Agencies work in a collegiate manner to put into effect the government's initiative.

Victims of sexual assault represent 14% of Victim Support ACT clients. Over half of those clients consented to be referred to the Wraparound program.

A website and booklet were developed to assist victims of sexual offences to understand the criminal justice system. Both the website and booklet were launched in September 2008 by the Attorney General, Mr Simon Corbell. Further work on the website will be undertaken next financial year.

Community Volunteers

The Chief Executive has delegated responsibility for the management of the contract between the Department and VOCAL (ACT) Inc to the Director. The contract is in its second year.

While VOCAL (ACT) Inc may receive funds from elsewhere and may, as a consequence, deliver other services, the Department purchases the following services from VOCAL (ACT) Inc.

1. Provide general support and information to victims and their families.
2. Coordinate, train and support volunteers to support victims and their families.
3. Refer clients to appropriate counselling services and other services.
4. Promote and support victim services in the ACT.
5. Work in partnership and collaboration with other victim services and government agencies to ensure victims and their families get the best possible service.
6. Monitor services and support provided so they are in accordance with best practice, the legal framework and any relevant code of practice applicable.

Outreach and Professional Development

This year included:

- All Victim Support ACT staff attended the two day Sexual Assault Reform Program Forum 'Responding to Sexual Assault in the ACT' hosted by the Sexual Assault Reference Group.
- A two day training course on Cognitive Behaviour Therapy was presented to staff by two psychology lecturers from the University of Canberra. The course was offered at cost to Approved Providers and to community services.
- Staff attended a number of clinically specific training courses and conferences.
- Staff attended mandatory induction training and other training available under the Department's learning and development framework.
- Approved providers have been invited to team meetings to provide in-service training on aspects of their practice.
- Staff have attended interagency meetings and hosted other service agencies at in-house team meetings.
- All staff completed a personal achievement and development plan.

Client Service Delivery

TABLE 3: Total clients who have contacted Victim Support ACT 2008-09

Total number of new clients	691
Total number of clients for whom reception has been completed	576
Clients who did not proceed from reception to intake	111
Clients attending intake appointment following reception	458
Intake appointment within 10 working days	374
Intake appointment after 10 working days	84
Clients unable to be contacted, were ineligible for service or received information only.	226
Client files closed	213

Information on the time elapsed between the date of the incident and first contact with Victim Support ACT is not recorded for every client as some people ring with a general enquiry only and are not asked for this information. Of the instances where this data is collected:

- 49% of clients made contact within one month of the incident
- 14% of clients made contact within six months of the incident
- 19% of clients made contact within one year of the incident
- 7% of clients made contact within two years of the incident
- 11% of clients made contact when the incident was over two years ago.

TABLE 4: Services received

Types of Service	%
Information & referral	22
Level 1	5
Level 2	51
Level 3	20
Not eligible	2

Client Personal Characteristics

People who contact Victim Support ACT are diverse in their personal characteristics and their help-seeking.

TABLE 5: Age

Age Group	%
Below 10 years	7
10 – 17 years	14
18 – 25 years	15
25 – 30 years	8
31 – 35 years	9
36 – 40 years	8
41 – 45 years	8
46 – 50 years	5
51 – 55 years	3
56 – 60 years	1
Above 60 years	4
Unknown	18

TABLE 6: Gender

Gender	%
Female	62
Male	28
Unspecified	10

TABLE 7: Ethnic Identity

Ethnic Identity	%
Aboriginal	2
Neither Aboriginal nor Torres Strait Islander	61
Unspecified	37

Victim Support ACT assists a wide range of people affected by crime. The predominant client group are those who have been directly harmed by the incident of crime and are “primary” victims.

A significant client cohort are those family and friends who are supporting the primary victim and who themselves are affected by the incident to varying degrees.

TABLE 8: Type of Victim

Type of Victim	%
Not stated	14
Primary	65
Related	14
Witness	7

Offence Characteristics

The majority of people making contact with Victim Support ACT are victims of a personal crime, primarily assault, domestic violence and sexual offences.

- 83% of clients are victims of personal crime
- 61% of victims know the offender in some capacity.
- 27% of clients presented as victims of domestic violence
- 14% of clients present as victims of a sexual offence
- 6% of clients present the incident affecting them as murder, manslaughter or attempted murder

TABLE 9: Type of Crime

Offence	%
Not recorded	9
Armed robbery	3
Assault	23
Assault (DV)	27
Attempted murder	1
Burglary	3
Criminal damage	1
Harassment	3
Harassment (cyber)	1
Murder	5
Other ¹	5
Robbery	2
Sexual assault	14
Stalking	2
Threat to kill	1

¹ Includes unlawful confinement, attempted abduction, breach order, car theft, demands with threats, fraud, stalking (cyber).

TABLE 10: Relationship to Offender

Relationship to Offender	%
Not recorded	15
Ex-partner	17
Family member	16
Known other	20
Neighbour	3
Not known other	24
Partner	5

Offence Consequences

Table 11: Impact of Crime

Impact of Crime	%
Psychological	58
Physical	19
Financial	13
Social	10

Performance Measure

The sole performance measure that the Department reports against in relation to Victim Support ACT is that victims are able to speak in more detail to a counsellor/ justice advocate within 10 working days of their first reception contact. This intake appointment can be delivered either face-to-face or over the telephone depending upon the needs of the client. The performance target for this measure is that 80% of clients referred from reception to intake appointments will be seen within 10 working days. This financial year 82% of cases met that performance measure.

Research and Evaluation

Staff assisted in a national research project led by the University of Melbourne. The project, *Fairness and Equity for victims of crime: what do victims want and why don't they get it?* is a computer-based interview examining people's experiences in the criminal justice system. In total 18 clients participated in the project.

Staff were also interviewed for the Police Victim Referral Project.

A.4 Outlook

The priorities for 2009-10 will focus on three main areas.

Service Development and Enhancement

- Finalise the Service Model Project and implement recommendations adopted
- Deliver a new integrated victims database
- In partnership with participating agencies, review and further develop the Wraparound support program

- Develop an access and outreach program for Aboriginal and Torres Strait Islander victims of crime
- Implement recommendations adopted from the Police Victim Referral Project
- Continue to participate in the review of the *Victims of Crime Act 1994*
- Develop new approaches to support families bereaved by homicide
- Improve current work practices to enhance the way we work with providers

Client Support

- Develop an evaluation framework of services.
- Review and update information materials.

Professional Development

Over 2009-10 Victim Support ACT will:

- provide training for staff and approved providers to work specifically with families bereaved by homicide;
- develop and produce a series of practice guides for staff; and,
- encourage staff to access the Department's training and development program.

A.5 Management Discussion and Analysis

Discussion on financial results is contained within the Annual Report of the Department.

A.6 Financial Report

Discussion on financial results and audit is contained within the Annual Report of the Department of Justice and Community Safety.

A.7 Statement of Performance

Discussion on performance is contained in Section A.3 of this Annual Report under Performance Measure.

A.8 Strategic Indicators

Discussion on strategic indicators is contained within the Annual Report of the Department of Justice and Community Safety

A.9 Analysis of Agency Performance

Information on how well Victim Support ACT has performed in meeting its objectives is contained in Section A.2 of this Annual Report.

Section B: Consultation and Scrutiny Reporting

B.1 Community Engagement

Victim Support ACT has supported the Victims of Crime Coordinator to conduct a survey with clients about their rights as victims of crime.

Victim Support ACT also facilitated interviews with families bereaved by homicide to inform a project initiated by the Victims of Crime Coordinator. The project looks into the experience of family survivors and the issues they identify as important for others in a similar position to know about surviving homicide.

B.2 Internal and External Scrutiny

There are no significant developments in internal or external scrutiny of Victim Support ACT to report on over the period 2008-09.

B.3 Legislative Assembly Committee Inquiries and Reports

There are no commenced or completed inquiries by Legislative Assembly Committees that relate to the operations of Victim Support ACT to report on over the period 2008-09.

B.4 Legislation Report

Victim Support ACT is responsible for the implementation of the *Victims of Crime Regulations 2000*. Performance in relation to these Regulations is reported on in Sections A1 and A2 of this Annual Report.

Section C: Legislative and Policy Based Reporting

Information (where relevant) regarding the following areas is contained in the Annual Report of the Department of Justice and Community Safety:

- Risk Management And Internal Audit (Section C.1)
- Fraud Prevention (Section C.2)
- Public Interest Disclosure (Section C.3)
- Freedom of Information (Section C.4)
- Internal Accountability (Section C.5)
- Human Resource Performance (Section C.6)
- Workplace Health and Safety (C.9)
- Workplace Relations (C.10)
- Strategic Bushfire management Plan (C.11)
- Strategic Asset Management (C.12)
- Capital Works (C.13)
- Community Grants/Assistance/Sponsorship (C.15)
- Commissioner for the Environment (C.18)
- ACT Multicultural Strategy (C.19)
- Ecologically Sustainable Development (C.21)

C.7 Staffing Profile

Information regarding the staffing profile of Victim Support ACT, including the Victims of Crime Coordinator and Domestic Violence Project Coordinator is as follows:

TABLE12: Total Number Employees

Paid Head count	Paid FTE	Female HC	Male HC	%Female HC	%Male HC	Female FTE	Male FTE	%Female FTE	%Male FTE
17	17	15	2	88.2	11.8	15	2	88.2	11.8

TABLE 13: Classification of Employees

Classification	Classification Description	Female	Male
ASO2	Admin Service Officer 2	1	0
ASO5	Admin Service Officer 5	1	0
ASO6	Admin Service Officer 6	2	
HPO2	Health Prof Officer 2	4	1
HPO3	Health Prof Officer 3	3	0
HPO4	Health Prof Officer 4	2	0
SOG B	Senior Officer Grade B	1	1
SOG C	Senior Officer Grade C	1	
TOTAL		15	2

TABLE14: Employment Category

EmpCat	Category of Employment	Female	Male
FP	Full-time Permanent	12	1
FT	Full-time Temporary	2	1
PP	Part-time Permanent	1	0

TABLE15: Length of Service

Gender	0-2	2-4	4-6	6-8	8-10	10-12	12-14	14 plus	Total	Average Length of Service
Female	7	1	2	0	0	1	1	3	15	7.457
Male	1	0	0	0	0	0	0	1	2	10.87

TABLE 16: Age Profile of Employees

Gender	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69
Female	1	0	3	2	0	1	4	3	0	1	0
Male	0	0	1	0	0	0	0	1	0	0	0

C.14 Government Contracting

Funds for the purchase of services were awarded to (VOCAL) ACT (Inc.) over 2008-09 to the value of \$162,847 exclusive of GST.

The Department provided special project funding to review referral pathways for victims of crime. An open tender process was initiated in July 2008. A tender evaluation panel was convened in September 2008 and the Australian Institute of Criminology was selected.

A select tender process was undertaken to engage a consultant to enquire into best practice in service delivery. In accordance with procurement guidelines, a minimum of three consultants were invited to tender for the project. URBIS Pty Ltd was the successful provider.

C.16 Territory Records

Over the reporting period, officers within Victim Support ACT continued to work with relevant officers in the Department of Justice and Community Safety to finalise the program for the implementation of records management and disposal. This has been completed and approved.

C.17 Human Rights Act 2004

Victim Support ACT is committed to respect, protect and promote human rights in the ACT, and to the delivery of services that uphold Part 2 section 4(a) of the *Victims of Crime Act 1994*. A special training session for staff on the *Human Rights Act 2004* was delivered in 2008-09.

Consistent with this Victim Support ACT has reviewed its statement of client rights and responsibilities and produced a new publication outlining these.

C.20 Aboriginal and Torres Strait Islander Reporting

Victim Support ACT is committed to service delivery that respects Aboriginal and Torres Strait Islander people and which promotes accessibility. Victim Support ACT has developed an access to services plan 2008-2011 for Aboriginal and Torres Strait Islander people.

Victim Support ACT plans to contribute towards the development of the ACT Aboriginal Justice Agreement.

As reported in the 2007-08 Annual Report staff within Victim Support ACT supported the Victims of Crime Coordinator to implement a research project in relation to Indigenous victims of crime. The report of the Project *We Don't Shoot Our Wounded* was released in April 2009.

C.22 ACT Women's Plan 2004-2009

Victim Support ACT is committed to service delivery that promotes and supports women's access to service. Women constitute 62% of the clients to the agency.

Staff supported the Victims of Crime Coordinator and the Domestic Violence Project Coordinator to promote safe, inclusive communities through involvement in:

- The Domestic Violence Prevention Council,
- The Family Violence Intervention Program, and
- The Sexual Assault Reform Program.

Part 3:

Victims of Crime Financial Assistance Act 1983



Introduction

Section 71 of the *Victims of Crime (Financial Assistance) Act 1983* ("the Act") requires this report to include the following:

- The number of applications made during the financial year;
- Particulars of awards of financial assistance made in respect of those applications;
- Brief descriptions of the facts and circumstances of each award made during the financial year; and
- Any other particulars relating to the operation of the Act considered appropriate.

Explanation as to the operation of the Act for the financial year 2008–2009

Establishment of the Scheme

The scheme was established by the Act, which commenced on 24 December 1999. The Act vests jurisdiction in the ACT Magistrates Court for all matters commenced after that date. Prior to this date, the ACT Supreme Court and the ACT Magistrates Court exercised jurisdiction of criminal injury matters under the *Criminal Injuries Compensation Act 1983* ("CIC Act"). There are a number of applications currently unfinalised under the CIC Act in both Courts. In the reporting year, four of those applications were finalised via the making of awards, (see table 2).

Eligibility for Financial Assistance

The persons entitled to seek an award of financial assistance under the Act are described in sections 9, 10, 16, and 21:

- **Primary Victim** – a person who is injured as a direct result of a violent crime committed against him or her, or incurs injuries while assisting a police officer attempting to prevent a crime, arrest a criminal or aid or rescue another victim (section 9 of the Act);
- **Responsible person** – a person who is responsible for the maintenance of a primary victim (subsection 10(3) of the Act);
- **Related victim** – a 'close family member' or a dependant of, or a person with an intimate personal relationship with a deceased primary victim (section 16 of the Act);
- **Eligible property owners** – a person whose property is damaged while assisting a police officer attempting to prevent a crime, arrest a criminal or aid or rescue another victim (section 21 of the Act).

The applicant seeking financial assistance will only be eligible for that assistance if the crime is a 'violent crime' (as defined in section 3 of the Act).

Determination of Applications

A person seeking to apply for financial assistance for a criminal injury must lodge an application with the Registrar of the ACT Magistrates Court. The application must be filed with the Court within a period of 12 months of the relevant injury or property damage being sustained (subsection 27(2) of the Act). This period may be extended if the Court considers it just to do so (subsection 27(3) of the Act).

An application for financial assistance must be in writing, in accordance with the form in the schedule to the Act. The application must be supported by a statutory declaration (subsection 27(1)(a) of the Act); relevant medical reports (paragraph 27(1)(b)(i) of the Act); statements made to police officers (paragraph 27(1)(b)(ii) of the Act); any document/s showing receipt of compensation under any other law for the relevant injury or property damage and any other relevant document/s (subsection 27(1)(b)(iv) of the Act).

If special assistance is applied for by the primary victim for an extremely serious injury, then a brief statement of any assistance obtained from the Victims Services Scheme, certified as accurate by the person in charge of the responsible service agency prescribed by regulation under the *Victims of Crime Act 1994* should be provided or, if the victim is physically incapable of benefiting from the scheme, a statement explaining why the victim is so incapable, should be provided (subsection 27(1)(b)(v) of the Act).

Within 14 days after an application is received by the Registrar of the Court, the Court is required to forward a copy of the application, statutory declaration and each accompanying document to the Government Solicitor (paragraph 27(4)(a) of the Act). When an application is ready to proceed the Registrar shall by notice in writing, to the applicant and the Government Solicitor, fix a date, time and place for the determination of the application (subsection 27(4)(b) of the Act).

The procedure for the determination of applications requires that each matter be listed before a Deputy Registrar for a conference prior to a hearing. The purpose of the conference is to assess whether the matter is ready to proceed to determination.

The Government Solicitor plays an active role in consultation with the applicant (and his/her legal representative when they have retained a solicitor) at the conference and/or prior to the date fixed for the hearing of the application. In effect, this process has allowed for the limiting of the disputed issues of the application, and a greater flow of information between the applicant and the Government Solicitor. Most applications are resolved by the Territory providing an assessment to the applicant and the Court making an award in accordance with an agreement reached between the parties.

The Court may make an interim award of financial assistance pending the making of a final award to the applicant where it is satisfied that an award should be made to an applicant, and it does not have sufficient information before it to determine the final amount of financial assistance to be awarded (section 43 of the Act). Of the 83 awards made in the reporting year, 33 were interim awards.

An award of financial assistance may be made subject to certain conditions as the Court determines (subsection 44(1) of the Act). Awards made in favour of infant applicants are ordinarily paid to the Public Trustee and dealt with in accordance with the *Public Trustee Act 1925*.

Basis of Financial Assistance

The maximum amount of financial assistance that may be awarded in respect of an injury sustained by a primary victim, related victim, responsible person or eligible property owner is an amount that in the aggregate does not exceed \$50,000.00 (sections 14, 19 and 23 of the Act).

Applicants may be entitled to special assistance if he/she is a primary victim who has sustained a criminal injury that is extremely serious and he/she has obtained assistance from the Victims Services Scheme (subsection 10(2) of the Act) in an amount of \$30,000.00 (paragraph 10(1)(d) of the Act). For related victims an amount of special assistance can be awarded of \$30,000.00 (subsection 19(2) of the Act).

A primary victim is defined as a person who is injured as a direct result of a violent crime committed against him or her, or if they have been assisting a police officer in the course of certain action by a police officer (section 9 of the Act). A primary victim (which includes responsible persons) may be awarded financial assistance for reasonable expenses (including the costs, other than legal costs, of making an application) incurred as a result of the injury, and any pecuniary loss suffered as a result of total or partial incapacity for work because of the injury sustained (section 10 of the Act).

A primary victim of a sexual assault (consisting of offences against sections 51 to 62 of the *Crimes Act 1900*), or an applicant who is a police officer, ambulance officer, or fire-fighter injured in the course of their employment, is entitled to special assistance for pain and suffering of no more than \$50,000.00 (paragraphs 10(1)(e) and (f) of the Act).

A related victim, who is defined as a close family member, a dependant or a person with an intimate personal relationship with a deceased primary victim (section 16 of the Act), can be awarded financial assistance for reasonable expenses (including the costs, other than legal, of making the application) incurred as a result of the injury and death, and the pecuniary loss suffered as a consequence of total or partial incapacity for work as a consequence of the injury and death (sections 17 and 19 of the Act). Special assistance in the amount of \$30,000.00 may also be awarded by the Court (section 19(2)(a) and (b) of the Act). An eligible property owner is defined as a person whose property is damaged while the person is assisting a police officer in the course of certain action by the police officer (section 21 of the Act). An eligible property owner may be awarded financial assistance for reasonable costs incurred as a result of damage to property up to a maximum of \$50,000.00 (section 23 of the Act).

What constitutes “an expense reasonably incurred” (section 10(1)(a) of the Act) is of interest to victim support providers and to the profession. Apart from the usual

expenses such as medical and dental costs, some further examples include:

- Costs associated with house sale, relocation and purchase of new home, e.g. commission, solicitor's fees on conveyancing, and removalist's fees.
- Security and other home alarm systems.
- Remedial massage, hydrotherapy and counselling.

Limits of Financial Assistance

The Court shall not award financial assistance to a primary victim or a person responsible for the maintenance of a primary victim where the criminal injury arose out of the use of a motor vehicle; or where the amount of assistance that would be awarded is less than \$100.00; or if the crime is not reported to a police officer; or if the primary victim was engaged in the commission of a serious crime at the time (section 12 of the Act).

If a criminal injury arises out of the primary victim's employment, the victim may not apply for financial assistance until an application for worker's compensation has been made; and either worker's compensation has been awarded or refused (section 13 of the Act).

The Court shall not award financial assistance to any related victim where the criminal injury arose out of the use of a motor vehicle; or where the amount awarded would be less than \$100.00; or where the crime is not reported to a police officer; or if the primary victim was engaged in the commission of a serious crime at the time; or where the related victim contributed substantially to the criminal injury (section 18 of the Act).

Finally, the Court shall not award financial assistance for eligible property owners if at the time the eligible property damage occurred, the eligible property owner was in the commission of a serious crime (section 24 of the Act).

Recovery of Financial Assistance

Part 4 of the Act provides for the recovery of financial assistance from defendants who have been convicted of offences where the victim has received a final award of financial assistance. The Registrar may make a provisional order for the restitution of the amount of the award to the Territory by the person who is convicted (section 54 of the Act). Once served with the provisional order, the offender has a right to lodge an objection to the confirmation of the order. If such an objection is raised, the Court will decide whether the provisional order is confirmed in its entirety, reduced or discharged. If no objection is raised, the Court can confirm the order in the full amount.

Provisional orders for restitution can only be made by the Court upon application by the Territory. The Registrar received 19 such applications in the reporting year. All of those applications resulted in provisional orders for restitution being made by the Court. There were 7 provisional orders confirmed during the reporting year.

Compensation Levy under the Act

A person who is convicted of a certain offence is liable to pay to the Territory a levy of \$50.00 (section 68 of the Act). The levy is in addition to, and does not form part of, any pecuniary penalty imposed in respect of the offence (subsection 68(1) and (2) of the Act). Any money that is paid to the Territory in respect of an offence, under this Act, is to be applied towards the discharge of liability for the levy before it is applied towards the discharge of liability for any pecuniary penalty imposed in relation to the offence (subsection 68(3) of the Act).

For the reporting year there were 1,905 compensation levies imposed by the ACT Magistrates Court.

The total amount for compensation levies imposed in the reporting year was \$95,406.00. An amount of \$52,950.00 was paid for compensation levies in the reporting year.

Table 1 - Total number of applications lodged

Reporting Year	Total number of applications lodged
2003 – 2004	115
2004 – 2005	105
2005 – 2006	111
2006 – 2007	84
2007 - 2008	114
2008 – 2009	72

Table 2 – Awards made, tabulated by application date 1 July 2007– 30 June 2008

Period in which application lodged	Total amount awarded	Number of awards
Before 24 June 1998	\$ 64,524.94	3
Between 24 June 1998 and 23 December 1999	\$ 13,000.00	1
From 24 December 1999	\$ 767,710.54	79
Total	\$ 845,235.48	83

Table 3 – Awards by type of crime

Crime	No. of awards 2007-2008	Pain and suffering	Total award	Pain and suffering as a % of the whole	Average award
Assault - old scheme	1	0	\$ 10,971.94	0	\$10,971
Assault	41	\$ 4,000.00	\$295,089.23	1	\$ 7,197
Assault and rob	4	0	\$ 33,410.93	0	\$ 8,352
Attempting to effect an arrest	15	\$82,000.00	\$ 84,490.98	97	\$ 5,632
Attempting to restrain	6	\$45,500.00	\$ 46,581.95	98	\$ 7,763
Death of a Related Victim	1	0	\$ 20,000.00	0	\$20,000
Nightclub/ Pub/Tavern etc Assault	2	0	\$ 31,538.65	0	\$15,769
Other	2	\$ 2,500.00	\$ 7,852.50	32	\$ 3,926
Sexual Assault	8	\$180,000.00	\$248,746.30	72	\$ 31,093
Street Assault	3	0	\$ 66,553.00	0	\$ 22,184
Total	83	\$314,000.00	\$845,235.48	37	\$10,183

Table 4 – Pain and Suffering

Victim type	Number of Awards
Police Officers	23
Sexual Assaults	6
Special Assistance	10
Old pain and suffering	3
Total	42

2008-2009 Summaries

Magistrates Court

Number		Total Award	Date of Award
97/125	A female victim was involved in an altercation by people known to her outside her home. She sustained injury to her chest and shoulders, bruising and lower back pain and subsequently suffers from anxiety and undergoes physiotherapy. The applicant was awarded \$10,971.94 pursuant to sections 6(1)(a) and 6(1)(c) of the Criminal Injuries Compensation Act 1983.	\$10,971.94	8/04/09
98/155	A male victim was assaulted by 2 men, one with an iron bar whilst leaving a restaurant causing physical and mental injuries. Both assailants were charged with assault. The applicant was awarded \$50,000.00 pursuant to sections 6(1) (a) and 6(1)(b) of the Criminal Injuries Compensation Act 1983.	\$50,000.00	8/07/08
98/158	The applicant was a child of 2 years old when she witnessed an attack on her father (98/155) causing emotional distress. A further interim award for expenses pursuant to section 6(1)a of the Criminal Injuries Compensation Act 1983 was made.	\$3,553.00	8/12/08
98/297	A male person was a victim of either road rage or mistaken identity and was assaulted by 5 men, who were charged with assault occasioning actual bodily harm and criminal damage. A final award pursuant to section 6(1)(c) of the Criminal Injuries Compensation Act 1983 was made.	\$13,000.00	28/08/08

Number		Total Award	Date of Award
00/148	A male applicant sustained injuries including chemical burns whilst sitting in a dimly lit underpass; it was covered with a mixture of caustic soda and mentholated spirits by an unknown person. An award pursuant to sections 5(4) and 6(1) (c) of the Criminal Injuries Compensation Act 1983 was made.	\$5,142.50	8/05/09
02/100	New occupants were victims of vandalism by having bricks and eggs thrown at their new home. A confrontation occurred outside their property and a female occupant sustained a shattered femur after being pushed and is still undergoing various treatments. Further interim awards pursuant to section 10(1) (a) of the Criminal Injuries Compensation Act 1983 were made.	\$3,451.43	13/01/09 6/03/09 28/05/09
03/61	The applicant was a child who was sexually assaulted by an unknown male. The child's psychological injuries include shock, anxiety & nervous reaction, sleep disturbance and interference with education and social interaction. An award pursuant to sections 10(1)(c) and 10(1)(f) were made.	\$40,367.00	1/07/08
03/63	The victim was a child with intellectual disabilities who is now under the care and protection of the Chief Executive of the Disability, Housing and Community Services. She was a victim of sexual and emotional abuse at the hands of the child's mother and mother's partner. The offenders were charged and convicted. An award pursuant to section 10(f) was made.	\$40,000.00	13/01/09

Number		Total Award	Date of Award
03/67	A female victim was deliberately stabbed with a syringe by a person known to her. She contracted Hepatitis C as a result of the attack. An award pursuant to section 10(1)(d) was made.	\$30,000.00	29/04/09
05/3	A victim of an unprovoked attack at a club suffered damage to 5 of his teeth and required dental work. An award pursuant to section 10(1)(a) was made.	\$5,464.00	3/12/08
05/44	A female victim was assaulted by her ex partner causing a dislocation of her right ankle. She became fearful for her safety. The offender was charged with assault occasioning actual bodily harm. An interim award and final award pursuant to section 10(1)(a) were made.	\$24,267.91	14/08/08 8/12/08
05/68	The male applicant was in custody when he was assaulted by another inmate in an unprovoked attack. He sustained facial lacerations, damage to his teeth, neck trauma and double vision. A further interim award pursuant to section 10(1)(a) was made.	\$1,570.05	20/3/09
05/77	A visitor to the ACT was attacked by 4 unknown males demanding money. He sustained fractures to his face requiring reconstructive surgery. An interim award pursuant to section 10(1)(a) was made.	\$1,112.25	7/11/08
05/83	An assault occurred during a football match where the victim was kned in the jaw and punched in the face. 2 offenders pleaded guilty to the charges of assault occasioning actual bodily harm and common assault. An interim award was made pursuant to sections 10(1)(b) and 10(1)(c).	\$7,640.70	4/09/08

Number		Total Award	Date of Award
06/45	The applicant was a victim of a domestic violence abuse. The female suffered from a knife attack causing deep lacerations and nerve damage and many psychological problems including anxiety, depression and fears for her safety and that of her child. The offender was charged and convicted of two counts of common assault and was deported. An award pursuant to section 10(1)(d) for special assistance was made.	\$30,000.00	7/10/08
06/49	A male victim and some friends were having a BBQ in a public area. A person holding a knife assaulted him and others in an unprovoked attack. The victim suffered four stab wounds. The offender was arrested and made admissions to police; the offender is known to Mental Health services and had been previously involved in a similar incident. A final award pursuant to section 10(1)(d) for special assistance was made.	\$30,000.00	17/02/09
06/56	A male police officer was chasing a male person who had absconded from police custody when he fell and suffered injuries to his knees, right foot and ankle. An award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$11,541.00	1/07/08
06/63	A young female victim was sexually assaulted by a neighbour over a period of 4 years. The victim subsequently suffered psychological trauma. A final award pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(f) was made.	\$34,542.50	7/08/08

Number		Total Award	Date of Award
06/81	A male victim was robbed and assaulted by two teenagers whilst running away he fell and sustained a traumatic brain injury, fractured ribs and extensive bruising and swelling to the face and head. He required extensive rehabilitation as well as regularly seeing a clinical psychologist. He was unable to identify the offenders. He received an award for special assistance pursuant to section 10(1)(d).	\$30,000.00	11/09/08
06/82	A male victim was assaulted by a person known to him; among other injuries he sustained a broken jaw. The offender was charged and convicted of assault occasioning actual bodily harm. An interim award pursuant to sections 10(1)(a) and 10(1)(c) was made.	\$2,105.83	29/04/09
06/83	A young female was sexually assaulted for approximately 2 years. She suffered long term psychological harm resulting from the crime. The offender was investigated although no charges were laid. An award pursuant to section 10(1)(c) was made.	\$35,000.00	12/08/08
06/94	A male, unknown to the victim was sent by a person known to the victim to deliver papers or pick up money. He punched the victim and then left. The victim sustained injuries to his face and required dental work. A further interim award pursuant to section 10(1)(a) was made.	\$2,181.00	10/10/08

Number		Total Award	Date of Award
07/16	A group of men were heard banging on the victim's fence and trying to steal equipment from a work vehicle. The victim and his nephew were then assaulted by the group. The incident was reported to police but the offenders were not identified. One of the injuries included a broken nose and the victim is to undergo nose reconstruction. A further interim award pursuant to section 10(1)(a) was made.	\$4,354.96	3/11/08
07/24	A male was assaulted by 2 other men outside a bar in Canberra City. He fell and struck his head on the ground resulting in head injuries, serious traumatic brain injury, neck pain and ongoing headaches. An interim award pursuant to sections 10(1)(a) and 10(1)(b) was made.	\$20,804.59	19/06/09
07/26	A male student was sitting near a road with 3 of his friends when he was struck in the head with a bottle of beer. The victim suffered several fractures to the skull, bruising to the brain and has tinnitus in the right ear. An interim award pursuant to sections 10(1)(a) and 10(1)(c) was made.	\$1,013.90	21/05/09
07/34	A male police officer, attempting to make an arrest following a disturbance, was kicked in the abdominal area. The victim sustained a stomach injury, perforated bowel and psychological injury. An award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$23,118.00	17/02/09
07/38	A group of youths attacked some friends of the victim at a shopping centre. The female victim was hit on the back of her head causing her to fall and black out. Her injuries included broken teeth. Interim and final awards were made pursuant to sections 10(1)(a) and 10(1)(b).	\$17,627.85	18/09/08 8/12/08

Number		Total Award	Date of Award
07/40	A male police officer was injured attempting to restrain a male person, who was resisting. The police officer sustained injury to his right shoulder and upper arm, bruising, abrasions and psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$10,081.00	4/09/08
07/41	A male police officer was injured when attempting to restrain a male person. The police officer sustained injury to his face, a finger/knuckle, had general bruising and abrasions and suffered psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$5,326.00	7/08/08
07/61	A male police officer whilst attempting to pursue and arrest a male offender, scaled a fence and injured his hand which was caught between fence posts. The police officer sustained a dislocated finger and suffered psychological injury. An award was made pursuant to sections 10(1) (c) and 10(1) (e).	\$3,221.00	18/09/08
07/77	A female victim was raped and sexually assaulted by a number of unknown men. The victim suffers from both psychological and psychiatric injury which has led to hospitalisation for prolonged periods on several occasions. An award was made pursuant to sections 10(1) (c) and 10(1) (f).	\$20,312.00	3/11/08
07/82	A female police officer, engaged in a struggle with a female person being escorted from a medical examination room suffered injuries to her head, including concussion and psychological injury. An award was made pursuant to sections 10(1) (c) and 10(1) (e).	\$8,449.95	29/04/09

Number		Total Award	Date of Award
07/87	A male person was assaulted by a nightclub bouncer. The victim woke up in hospital with a broken jaw, neck injuries and dental problems and suffers severe headaches from the impact of the punch and hitting his head on the ground. The offender was convicted of assault. A final award pursuant to section 10(1) (d) was made.	\$25,668.77	10/09/08
07/89	A male victim witnessed the theft of a shirt and an altercation took place. The offender assaulted the victim causing injuries to an eye. He has undergone surgery to repair an eye socket and still suffers from numbness. The offender was convicted of assault occasioning actual bodily harm. A final award pursuant to sections 10(1) (a) and 10(1) (b) was made.	\$5,869.88	3/11/08
07/98	A male victim was robbed and assaulted whilst walking home. He sustained a fractured eye socket and his glasses were smashed in the attack. An interim award pursuant to sections 10(1) (a) and 10(1) (c) was made.	\$717.35	14/10/08
07/99	A male victim was assaulted by unknown males as he walked home. He suffered a subdural haemorrhage and haematoma along with facial swelling and abrasions. A final award pursuant to sections 10(1) (a) and 10(1) (b) was made.	\$1,620.86	17/02/09

Number		Total Award	Date of Award
08/4	A male victim was in his car entering the secure underground garage of his unit when 2 men entered. Both men had handguns and the victim received 4 gun shot wounds to an arm, leg and hand; he was also hit with the butt of a gun on his face. Interim awards pursuant to sections 10(1) (a), 10(1) (b), 10(1) (c) and 10(1) (d) were made.	\$38,209.00	13/01/09 17/04/09
08/6	A male police officer was attempting to restrain a male person. The police officer sustained injury to his shoulder, arm, back, had general bruising and abrasions and suffered psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$4,294.55	7/11/08
08/8	A male police officer was attempting to restrain a male person. The police officer sustained psychological injury and the need to undergo testing for HIV and hepatitis. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,721.00	29/09/08
08/9	A male police officer was attempting to restrain a male person. The police officer sustained psychological injury and the need to undergo testing for HIV and hepatitis. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,684.00	10/10/08
08/10	The victim, a young female, was sexually assaulted by a person known to her. The offender was convicted and sentenced for the assault. The victim was referred to a clinical psychologist for counselling. An award pursuant to sections 10(1) (a), 10(1) (c) and 10(1) (f) was made.	\$32,524.80	11/09/08

Number		Total Award	Date of Award
08/12	A male police officer was injured attempting to arrest and restrain a male person who was resisting. The police officer sustained injury to his left shoulder and arm. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$10,604.32	16/09/08
08/13	The victim, a male police officer, was attempting to assist a female person who had been injured as a consequence of a criminal act. The police officer sustained psychological injury and the need to undergo testing for HIV and hepatitis. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,710.00	3/07/08
08/17	A female victim of an abusive relationship suffered severe bruising to her body, broken ribs and psychological trauma. Her ex partner was charged with common assault, assault occasioning grievous bodily harm and sexual assault. An interim award pursuant to section 10(1) (c) was made.	\$1,247.00	8/05/09
08/18	A female police officer suffered injury to her right wrist, bruising and psychological injury when an offender resisted police. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$7,702.66	7/11/08
08/19	A male police officer transporting a female person to hospital during the course of performing his functions was spat in the face by the offender. The police officer sustained psychological injury and the need to undergo testing for HIV and hepatitis. An award was made pursuant to sections 10(1) (c) and 10(1) (e).	\$2,581.00	20/03/09

Number		Total Award	Date of Award
08/25	A female police officer suffered injury whilst attempting to place a male person into police cells. The male person spat into the face of the applicant. She suffered psychological injury and needed to undergo testing for HIV and hepatitis. An award was made pursuant to sections 10(1) (c) and 10(1) (e).	\$2,570.00	1/07/08
08/28	The applicant was the person responsible for the maintenance of a young man who was robbed and hit by a person known to him. The victim was knocked out and suffered a broken jaw. An award pursuant to section 10(1) (b) was made.	\$972.00	23/07/08
08/30	A female victim was assaulted by her ex-partner. She suffered head injuries, bruising and receives counselling. Interim awards pursuant to section 10(1) (a) and 10(1) (b) were made.	\$2,867.68	13/11/08 8/05/09
08/31	A male police officer was injured attempting to restrain a male person who was resisting. The police officer sustained injury to his head, face and right eye when kicked by the offender. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,570.00	3/07/08
08/33	The applicant was the person responsible for the maintenance of a young man who was assaulted by strangers. He was struck in his jaw causing dental problems. Interim awards pursuant to section 10(1) (a) were made.	\$754.00	16/07/08 15/04/09
08/37	A male person and a friend were attacked by 3 unknown men in a car park. The applicant suffered physical and mental injuries as a result of the incident. An award pursuant to section 10(1) (a) was made.	\$1,839.70	29/01/09

Number		Total Award	Date of Award
08/38	A male person was assaulted by a person known to him as an acquaintance through work. He was kicked repeatedly, suffered ligament and tendon damage, dizziness, injury to his arms and back. An interim award pursuant to sections 10(1) (a), 10(1) (b) and 10(1) (c) was made.	\$14,154.00	14/08/08
08/43	A male person was assaulted during a fight which broke out in the car park of a bar. The applicant sustained a broken jaw, which required surgery involving the jaw to be wired. This has resulted in a change to the applicant's bite. An interim award pursuant to sections 10(1) (a), 10(1) (b) and 10(1) (c) was made.	\$2,805.38	29/05/09
08/46	A male police officer, attempting to pursue and arrest a male offender, fell while chasing the male person suffering injury to his left arm and wrist as well as abrasions to his hands, forearms and knees and psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$5,716.00	24/12/08
08/47	A male police officer, whilst pursuing a male person, fell. He sustained injury to his right knee as well as general abrasions and psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$4,581.00	16/09/08
08/50	The applicant is the person responsible for the maintenance of a young man who was assaulted at his school by a student unknown to him. The offender punched the victim twice in the jaw resulting in a broken jaw, and the need for dental treatment. An interim award pursuant to section 10(1) (a) was made.	\$4,748.65	11/11/08

Number		Total Award	Date of Award
08/53	The applicant is the adoptive mother, carer and appointed guardian of a person responsible for the maintenance of a young female with a mental illness. Over a period of years the victim was sexually abused by her adoptive father. This male person has since been charged. The victim has become withdrawn and has suffered psychologically. Whilst living interstate she was awarded a sum of money and now a further award pursuant to section 10(1) (f) was made.	\$15,000.00	17/12/08
08/55	A male police officer attempting to restrain a male person was spat in the face. The police officer sustained psychological injury and the need to undergo testing for HIV and hepatitis. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,581.00	24/12/08
08/57	After an altercation with an offender, the offender returned later with a knife. The victim sustained a punctured lung, fractured rib and wounds to his chest and abdomen. The offender was charged and convicted of recklessly inflicting grievous bodily harm. An award pursuant to sections 10(1) (a) and 10(1) (b) was made.	\$1,409.25	29/04/09
08/59	A male police officer was injured attempting to arrest a male person who was resisting. The police officer sustained injury to his neck, shoulder, back, had general bruising and psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$5,081.00	29/01/09

Number		Total Award	Date of Award
08/60	A male person was assaulted by an unknown group of men. The victim was kicked in the leg causing him to fall to the ground and pass out, waking up at the hospital. He sustained a broken collar bone, broken nose and bruising to his face. No offender was identified at that time. An award pursuant to sections 10(1) (a), 10(1) (b) and 10(1) (c) was made.	\$3,148.65	20/03/09
08/65	The applicant is the person responsible for the maintenance of a child who was assaulted on his way home from school. The offender is a young person known to police. The victim suffered a broken jaw requiring surgery, dental treatment and psychological trauma. An interim award pursuant to section 10(1) (a) was made.	\$4,862.60	11/03/09
08/66	A female police officer was injured whilst dealing with a detainee at the City Watch house. A female who had been brought into custody became aggressive and spat in the applicant's face, with saliva entering her mouth and eyes. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$2,570.00	19/05/09
08/68	A female victim was struck by a person known to Mental Health services while walking to a bus stop. She was taken by ambulance to hospital and an award for the amount of the ambulance invoice pursuant to section 10(1) (a) was made.	\$725.00	7/11/08

Number		Total Award	Date of Award
08/71	A visitor to a hotel became involved in a verbal altercation. A male offender hit the victim in the face with a glass causing damage to his nerves and scarring on his face and he also now suffers from depression and anxiety. The offender was charged with recklessly or intentionally inflicting actual bodily harm. The victim received an amount of compensation payable under section 350 of the Crimes Act 1990. An interim award pursuant to section 10(1) (a) was made.	\$4,727.00	20/03/09
08/73	A retired pensioner was the victim of a bag snatcher who threw her to the ground taking her bag. She sustained a dislocated shoulder, fractured humerus and suffers psychological injuries. An interim award pursuant to section 10(1) (a) was made.	\$1,682.76	2/04/09
08/76	After the murder of a daughter/sister, an interim and then a final award was made for financial and special assistance to be apportioned equally between the four victims pursuant to sections 19 and 43. The offender has been charged and the matter is still under investigation by police and the Coroner.	\$50,000.00	13/03/09 30/03/09
08/79	An off duty police officer, in the company of 2 other off duty officers, was walking past an unknown couple, a male and a female. The male struck out with his right elbow and connected with the victim's face, the blow causing a tooth to break in half. An award pursuant to section 10(1) (a) was made.	\$2,066.00	2/02/09

Number		Total Award	Date of Award
08/81	A male police officer was injured attempting to arrest a male person, who was resisting. The police officer suffered injury to his left hand, general bruising and abrasions and psychological injury. An award pursuant to section 10(1) (c) and 10(1) (e) was made.	\$6,293.00	14/05/09
08/84	A male student was assaulted at a bar. He was punched in the face by a male with a closed right fist, which resulted in him falling to the ground. A second male then kicked him in the head while he was down, knocking his head backwards. This resulted in acute pain in the right cheek and jaw, determined to be a fractured cheekbone and a fractured jaw. An award pursuant to section 10(1) (b) and 10(1) (c) was made.	\$2,926.58	19/05/09
08/89	A male student was assaulted while walking away from a verbal confrontation with 6 or 7 males he had just been introduced to, after they became aware of what school he attended. He was hit from the side with no warning. The punch knocked out two bottom teeth and caused nerve damage. An interim order was made pursuant to sections 10(1) (a) and 10(1) (c).	\$2,854.80	29/05/09
09/1	A male police officer was injured attempting to arrest a male person who was resisting. The police officer sustained injury to his eye, head and psychological injury. An award pursuant to sections 10(1) (c) and 10(1) (e) was made.	\$3,581.00	29/04/09

Number		Total Award	Date of Award
09/10	A female person was assaulted and robbed in front of her property. This resulted in a fractured skull, bruising to the left temporal lobe of her brain, a ruptured ear membrane with cerebral fluid leaking from right ear and ongoing trauma symptoms. An interim award pursuant to sections 10(1) (a) and 10(1) (c) was made.	\$853.88	05/06/09
09/18	A female police officer was injured attempting to restrain a male person. She was pushed back against a wall and put in a headlock. The police officer sustained soft tissue damage to the thoracic spine and substantial bruising to one shoulder and upper arm. An award pursuant to section 10(1) (e) was made.	\$7,500.00	26/06/09