

**04|05**

**VICTIMS OF CRIME  
SUPPORT PROGRAM**

ANNUAL REPORT 2004 | 2005



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Designed by Studio218

# Victims Of Crime Support Program

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## Introduction

This is the fourth Annual Report of the Victims of Crime Support Program in the ACT. It comprises reports previously published with those from the Department of Justice and Community Safety and ACT Policing. In bringing the reports together it is intended that a more comprehensive overview of the Victims of Crime Support Program is provided.

# 01

## VICTIMS OF CRIME CO-ORDINATOR

ANNUAL REPORT 2004 | 2005





## Victims Of Crime Co-ordinator

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Friday, 16 September 2005

Jon Stanhope, MLA  
Attorney General  
ACT Legislative Assembly  
London Circuit  
CANBERRA 2601

Dear Mr Stanhope

I am pleased to submit to you, pursuant to paragraph 8(5)(a) of the Annual Reports (Government Agencies) Act 1995 and in accordance with the requirements set out in the Chief Minister's Annual Reports Directions, the Annual Report for the Victims of Crime Coordinator.

I hereby certify that the attached report is an honest and accurate account of the operations of the Victims of Crime Coordinator for the period 1 July 2004 to 30 June 2005 and complies with the Chief Minister's Annual Reports Directions.

Section 14 of the *Annual Reports (Government Agencies) Act 1995* requires that you cause a copy of the Report to be laid before the Legislative Assembly within six working days of receiving the Report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robyn Holder'.

Robyn Holder  
VICTIMS OF CRIME COORDINATOR

# The Victims of Crime Coordinator

## Mission statement

To enhance the response of the criminal justice system to victims of crime.

## Description

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 ACT Attorney-General's Department pursuant to the *Victims of Crime Act 1994*. It is administered within the Magistrates Court.

### **The Victims of Crime Co-ordinator 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 position-holder also performs the statutory functions of the Domestic Violence Coordinator under the *Domestic Violence Agencies Act 2001*.

## Key objectives

- ◎ In partnership with justice and community agencies, develop and implement projects and programs to improve system-wide communication, quality standards and responses to people victimised by crime.
- ◎ 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.
- ◎ 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.

## Targets for 2005-2006

Publish a data report on the operations of the Family Violence Intervention Program.

Convene a forum, with the Human Rights Commissioner, on victims' rights in a human rights framework.

Report on 10 years operation of the *Victims of Crime Act 1994*.

Report on responses to homicide in the ACT.

## Key Achievements 2004-2005

- ⦿ Collaborated with ACT Corrective Services in development of victims of crime policy statement, and provision of workshops to identify implementation issues.
- ⦿ Participation in Sentence Reform Working Group achieves inclusion of victim interests in proposals.
- ⦿ Co-ordinated review of Phase IV of the Family Violence Intervention Program (FVIP), and planning for Phase V.
- ⦿ Participated in pilot Ngambra Circle Sentencing Court and produced report for the review.
- ⦿ Inclusion of victim enhancements to PROMIS, the AFP computer, as part of the review of the Purchase Agreement between ACT Government and the AFP.
- ⦿ Provided a detailed submission to the Department of Justice & Community Safety Review of the Victims Services Scheme (VSS), and pressed for an improved referral link between the VSS and ACT Policing.

## The Victims of Crime Office

The Victims of Crime Coordinator's Annual Report for 2003-2004 reported on a number of constraints that undermined the capacity of the position to perform the statutory duties contained with the *Victims of Crime Act 1994*. These pressures remain acute.

### *Statutory Advocacy*

One principal pressure derives from the number of clients to the Office. The level of demand continues to grow.

The number of victims of crime who contact the Office reflects its reputation for accessibility, reliability and effectiveness.

As a statutory advocate for victims in the administration of justice, the length of time required to assist people through the process of investigation, prosecution, court appearances and into sentence administration is necessarily extensive. Whilst the need for one central advocate throughout the process is not always required, it is particularly beneficial for serious and major matters. In these types of matters the assistance of the Office may be required over months if not years.



Many cases remain complex and require interaction with social and welfare agencies outside the justice process. The complexity of cases relates to two main aspects. That is, the varied impact that criminal victimisation has, and the vulnerability and disadvantage that pre-exists for many crime victims or flows directly from their experience of victimisation. For many people the criminal incident is sufficient to tip an already precarious existence into disarray.

### *Resource and Capacity*

The 2003-04 Annual Report highlighted the need for clarity in the financial allocation to the Office. The Magistrates Court Business Services Unit has worked hard to this end and the assistance of the Courts Administrator in addressing the issue is greatly appreciated. Management of the financial allocation remains subject to further discussion.

Further issues remain, however. First and foremost is the sufficiency of resource allocated to the position to enable performance of the statutory duties of the VoCC. The constraint undermines the capacity of the position to respond in a timely manner to calls for advocacy, limits the ability to undertake investigations where there are reasonable grounds to assume a breach of the Governing Principles of the *Victims of Crime Act*, greatly extends the time taken to report matters to the Attorney-General, and restricts the scope for the promotion of the *Act* and requisite procedural, service and system reform.

Second is the lack of clarity as to the powers and responsibilities of the VoCC position under both the *Financial Management Act 1996* and the *Public Service Management Act 1994*. Both pieces of legislation are key to public sector accountability. A number of concerning flow-on issues from these accountabilities relate to workplace security, occupational health and safety, and certain statutory requirements for administration (for example, records management). The absence of an electronic database also continues to severely undermine the efficiency of the Office. Central to these questions is the exact nature of the statutory position. The VoCC requested advice on these matters in February 2005.

The combination of individual advocacy and system advocacy contained within the statutory duties of the VoCC is both a strength and a weakness for the Office. It is extremely positive that the involvement of the VoCC is requested in significant areas of reform, for example, in detailed consideration of the sentencing package, and in the implementation and review of the pilot Ngambra Circle Sentencing Court. However, the strain on a small Office is noteworthy.

Due to the lack of resources, the Office was unable to pursue any staff professional development or training opportunities in the reporting period.

### *Reform of the Victims of Crime Act 1994*

The ACT *Victims of Crime Act* was introduced in 1994. It followed an earlier enquiry and report from the Community Law Reform Committee in 1993.<sup>1</sup> At that time the Committee recommended that an evaluation of victims of crime reforms be undertaken.<sup>2</sup> The then Attorney-General, the Hon. Terry Connolly MLA, accepted this recommendation in his tabling speech.

In the ten years since the introduction of the *Act*, there have been a number of changes to similar legislation in other jurisdictions, as well as initiatives within the administration of justice in the ACT. A review of the *ACT Victims of Crime Act 1994* is now vital. An accompanying evaluation of the impact of the legislation in promoting the interests of victims of crime would also be valuable. A comprehensive two-pronged examination would ready the *ACT* to accommodate developments over the next ten years and would deliver a greater measure of coherence, confidence and capacity to those people in the community who are affected by crime and who are called upon to participate in the justice process.

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<sup>1</sup> ACT CLRC (1993), *Victims of Crime*, Report No.6, ACT Attorney-General's Department, Canberra.

<sup>2</sup> *Ibid.*, p.126.

# 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. Since the inception of the VoCC position, systems advocacy has been a key reform method and some specific aspects are highlighted below.

- (a) *Sentencing Reform* – the development of reform to sentencing and sentence administration has provided an opportunity for some critical proposals to be examined that promote the interests of victims of crime. The VoCC was a member of an Expert Working Group convened by the Department of Justice & Community Safety to discuss the submissions received from the Exposure Draft Bills. Contained in the Crimes (Sentencing) Bill 2004 are provisions that enable the Court to consider the effects of the offence on the victim and victim's family as relevant considerations. This consideration is proposed to extend to provisions in relation to reductions of sentence. The Bill contains provisions that acknowledge the need to protect a victim of crime from violence or harassment as a consideration in a Pre-Sentence Report, and gives authority to an assessor preparing a pre-sentence report to contact a victim and seek information should that be appropriate. There are many instances, especially in interpersonal violence, where victim information is critical to reducing opportunity for an offender to re-offend. It is also critical in the protection of the victim and the public.

Changes to aspects of Victim Impact Statements (VIS) are also proposed in the Bill. In particular, the Bill proposes extending the category of people to enable family members and carers to submit a VIS, and seeks to provide for the VIS to be given orally. There is a provision that authorises the police, prosecution and courts to exchange victim name and contact information. In essence, the provision would secure the importance of this information as central to the administration of justice and remove any doubt as to the authority to do so.

The Crimes (Sentence Administration) Bill contains, within the preamble, the need to acknowledge the harm done to the victim and the need to protect a victim as appropriate for consideration within sentence administration. Proposed provisions regarding parole allow for victim submissions and for the effect of the offence on the victim and the victim's family to be considered. The Bill contains provisions that outline the type of information about an offender that a victim may be given for example the general area where the offender is directed to reside. This is an important step forward. Previously victims and their families felt confined to their own home suburb for fear of encountering an offender. With knowledge of a suburb, the victim can simply choose not to go to that area. The VoCC made representations, during discussions about the Bill, for victim registration and the accompanying entitlements to be extended to all sentenced offenders and not just those sentenced to a term of full time custody with a non-parole limit.

- (b) *Victim Interests in Corrective Services* are not immediately apparent to some but are extremely relevant to many others. The role of the Victim Liaison Officer within ACT Corrective Services continues to evolve in response to the many challenges. Conceived initially as a specialist to maintain the Victims Register for the Sentence Administration Board under the *Rehabilitation of Offenders (Interim) Act 2001*, the role has emerged as providing internal consultancy and policy development. A Victims of Crime Position Statement was finalised and authorised by the Director of

Corrective Services. Arising from this, the VoCC worked with the Corrections VLO and senior management to devise an implementation program. The program included initial consultations, procedural development, and staff training. Aspects of this thorough program remain to be completed.

During the consultations, probation & parole officers expressed uncertainty about the legal basis of information exchange to and from victims of crime. The Corrective Services Victims Policy implementation program was designed to reduce these uncertainties and some proposed provisions in the sentencing reform package go some way to ameliorating concerns. Areas of difficulty remain. The relative certainty provided to victims in relation to parole matters under sections 34 and 42 of the *Rehabilitation of Offenders (Interim) Act 2001* is absent for victims whose offender has a non-custodial community based sentence. Often this is around what information can be provided to victims to enable them to take reasonable steps to protect themselves from further harm. For example, a juvenile victim of sexual assault was declined information about the assessed risk of re-offending (the victim was anxious about any expression of retaliation or retribution against her) on the grounds that this may constitute personal information private to the offender.

- (c) *Management of Serious Offenders* who present a continuing danger to the community remains a complex and challenging issue. Over the reporting period, the VoCC was involved in a process to determine a coordinated response to the release of a particular prisoner. The assistance of Housing ACT in agreeing to transfer the victim in this matter was prompt and professional. It is apparent, however, that a clear legislative framework may be necessary for the management of these types of cases, perhaps even beyond the timeframe of statutory supervision, and that acknowledges the interests of all parties and the community. Whilst public attention is focussed on sex offenders (especially those who are predatory offenders against children), the VoCC has been involved with cases where offenders whose high risk violent and/or stalking behaviour continues to place victims at risk. In a number of instances dangerous offenders are also those whose mental health or mental impairment may pose additional risks. The objective of seeking a safe re-integration of both victim and offender into their community requires a partnership approach between probation and parole, and the VoCC.
- (d) *Mental health issues* in the criminal jurisdiction continue to be troubling for some victims of crime. The notification of discharge of an alleged offender from The Canberra Hospital psychiatric facility and police decision-making in charging an apparently mentally unwell person are two such issues. The Attorney-General's announcement of a further process of discussion and consultation with regard to the *Mental Health (Care and Treatment) Act* and its overlap with the criminal jurisdiction is therefore welcome. The Director of Public Prosecution's (DPP) Forensic Case Tracking Meetings form an important mechanism in this area.
- (e) *Homicide* (being the offences of murder and manslaughter) has occupied a very significant amount of time for the Office over the reporting period. Cases such as *The Queen v King*, *The Queen v Jacques*, *The Queen v Collins*, *The Queen v Hillier*, and *The Queen v Cook* have all involved varying levels of liaison with families of the deceased primary victim. In addition, assistance has been provided to families where an investigation has yet to be finalised. This level of assistance is, on average, ten times greater than that for assault matters. In August 2004, the VoCC sought the assistance of academics and students at the ANU Law School in a major project examining aspects of the criminal justice response to these offences. It is anticipated that a report will be provided to the Attorney-General in 2005-06.

- (f) *Serious and Major Crimes* and case coordination with regard to victims of crime continues as the focus for discussion between the VoCC, the Australian Federal Police (AFP), DPP and in the Victims Assistance Board (VAB). Discussions with AFP management have indicated a keen interest to make progress in this area. However, the capacity of the VoCC Office or of other victim assistance capacity, especially within the DPP, to respond to this need remains strictly limited.

A particular matter – the subject of a report by the VoCC to the Attorney-General – showed that, notwithstanding the level of communication provided by investigators, victims of serious offences and their families required a higher level of information, support and case coordination.

The VoCC Office dealt with a number of other cases over the past year where clients appear to have “fallen through the cracks” of service provision, and/or whose complex needs have meant that they become disengaged from support. ACT Policing has worked to consolidate a contractual relationship with Supportlink to create a referral mechanism to social and welfare services for people who access police. The VoCC made representations to the Victim Assistance Board to support the engagement of the Victim Services Scheme with this referral mechanism. This has now taken place and means that victims of crime may now be able to access the services of both ACT Health and VOCAL in the VSS partnership. The VoCC also initiated meetings with the staff of ACT Health in the VSS to build stronger relationships.

In a submission to the Department of Justice & Community Safety’s (DJACS) review of the Victims Services Scheme, the VoCC encouraged consideration of the role of victim services in assisting people’s participation in the justice process especially in relation to serious and major matters. The VoCC submission applauded the current focus on counselling and other rehabilitation services. These must be protected if not extended. At the same time, the research is clear that the assistance provided to enable victims to act on their responsibilities as witnesses and to participate in the justice process strengthens the recovery process. Clients to the VoCC Office have expressed some bewilderment and frustration as to what they experience as fragmentation. In essence the two aspects are interconnected and better ways of managing that interface need to be found.

The VoCC has remained as Chair of Victim Support Australasia (VSA), the national peak body for crime victim services. VSA works to improve the quality and consistency of responses to crime victims across the jurisdictions. A research proposal from the Department of Criminology at the University of Melbourne with VSA for an Australian Research Council Discovery Grant for a three year national study into the experience of victims of crime with procedural fairness in their interaction with justice agencies was unfortunately unsuccessful. The University and VSA reworked the proposal and have resubmitted it. The ACT is proposed as one of the sites for the research. VSA responded positively to an initiative of the Commonwealth Law Ministers in 2004 that proposed a statement on victims of crime.

### *Advocacy for Individuals*

In 2004/05 there were over 1400 contacts made to the Office from crime victims with approximately 197 of these being new clients, and 48 being existing clients bringing the total to 245 clients per annum.

The increase in the number of client contacts on the previous year is both real and a result of changes made to measure the interactions of the Office with clients.

**Table 1 - Clients & Client contact 2004-2005**

	Number	Number of Contacts	Female	Male	Children
New clients	197	818	61%	39%	10%
Existing clients	48	582	79%	21%	25%
<b>Total</b>	<b>245</b>	<b>1400</b>	<b>64% overall</b>	<b>36% overall</b>	<b>13% overall</b>

SOURCE: VoCC Office

The number of contacts per client has continued to challenge the Office. This is attributed to clients with issues or problems of more complexity, to more extensive involvement with clients in new justice processes, and those requiring assistance in financial assistance applications. As stated previously, the Office has become more involved in major and serious crime matters such as murder, attempt murder, and very serious assaults. These types of matters necessarily impact very heavily on the immediate family of the primary victim. In effect, the incident gives rise not just to one client but to a number of clients. Usually these interventions are longer and often involve the coordination of responses from a number of different agencies.

The majority of enquiries to the Office were in relation to information, referral, police enquiries and financial assistance information. The Office continued to receive many calls in relation to case status information.

The majority of calls related to incidents of assault (132), followed by sexual assault (42) and harassment (14). Other offence categories included burglary (9), stalking (8), murder/manslaughter (7), criminal damage (7), and armed robbery (2). Thirty six percent (36%) of clients were male (87) and 64% were female (158). Thirteen percent 13% (n=31) of enquiries were in relation to child victims. Two percent (2%) of people identified as being from an indigenous background with 3% identifying as being from an ethnic background.

**Table 2 - Offences affecting clients**

Offence	New clients	Existing clients	Overall
Assault	114 (55%)	18 (34%)	132 (51%)
Sexual assault	25 (12%)	17 (32%)	42 (16%)
Harassment	14 (7%)		14 (5%)
Burglary	7 (3%)	2 (4%)	9 (3%)
Stalking	6 (3%)	2 (4%)	8 (3%)
Murder/manslaughter	4 (2%)	3 (5%)	7 (3%)
Criminal damage	6 (3%)	1 (2%)	7 (3%)
Armed robbery	2 (1%)		2 (1%)
Other	30 (14%)	10 (19%)	40 (15%)
<b>Total</b>	<b>208</b>	<b>53</b>	<b>261</b>

# Criminal Justice Responses to Victims of Crime

## ACT Justice Strategy 2002-2005

The Strategic Plan for the ACT Criminal Justice System for 2002-2005 finalised during the reporting period. Achievements related to victims of crime interests over the life of the Plan are described below.

1. *Core Victim Data* – the inclusion and tracking of victim data has progressed in the area of sexual offences in a pilot project administered by DJACS. The need to implement victim information enhancements to the police database, PROMIS, was included in a Policing Study commissioned by the ACT Government to inform negotiations in its Purchase Agreement with the AFP. It is hoped that this review and the negotiations will include a contractual imposition upon the AFP to implement this enhancement. The absence of the electronic identification of the crime victim critically undermines the capacity of justice agencies to meet their obligations under the *Victims of Crime Act 1994*.
2. *Research and evaluation opportunities* have been pursued in a number of areas. The Office has worked with the Department of Criminology in Melbourne to develop a national research proposal into victims' experiences of justice. The research on burglary victimisation (with the AIC and AFP) was completed. Data analysis of family violence incidents attended by police was also commenced. Discussions opened with the University of Manitoba (Canada) about sharing a common dataset between the two family violence courts. The VoCC has also assisted in the development of survey instruments for the DJACS Review of the Victims Services Scheme in 2004-05.
3. *Early intervention & prevention activities* have been explored in a number of ways. The criminal victimisation of children and young people is known to create a heightened risk factor for negative outcomes later in life being social and school exclusion, delinquency, and exposure to risk taking behaviour. Early intervention to help children and young people deal with the trauma of violence, and to stabilise at school is critical to reducing later victimisation risks. Therefore, the VoCC has encouraged the VSS through the Victims Assistance Board to ensure that counselling services are made accessible to child victims of violence and other crime. The VoCC participates on the Elder Abuse Taskforce and, through the Family Violence Intervention Program, works to strengthen links with Care and Protection Services.
4. *Diversion & Restorative Initiatives* have included participation as a presenter in the core training on diversionary conferencing run by ACT Policing; development of an active working relationship with the NSW Corrective Services Restorative Justice Unit; participation in the Restorative Justice Unit Reference Group; and participation in the pilot Ngambra Circle Sentencing Court and its review. The VoCC had intended, in the *Criminal Justice Strategic Plan 2002-2005* to "develop a coordinated response to neighbourhood and community dispute resolution" with key partners the ACT Policing, the Conflict Resolution Service, Supportlink, and the Magistrates Court. However, this work has not advanced beyond concept stage due to lack of resources.
5. *Provision of Advocacy Services to Victims of Crime* remains a core part of the work of the Office. In the life of the Strategic Plan the number of client contacts with the VoCC Office has increased 63%. The VoCC has undertaken or participated in a number of areas in the interests in her role as system advocate.

6. *Law Reform* to promote the interests of victims of crime has, over 2002-2005 focussed on the *Crimes (Restorative Justice) Act 2004*, comments on reform of the laws on sexual assault and on protection & domestic violence orders, submissions with regard to the *Victims of Crime (Financial Assistance) Act 1983*, and the Sentencing Reform Package.

The *Implementation of Victim-Inclusive Practices* by the VoCC Office and other justice agencies was set out in the 2002-2005 Criminal Justice Strategy. These aspects are grounded in the obligations imposed on justice agencies by the *Victims of Crime Act 1994*. Promotion of the Act to police, prosecution, courts and corrections is the core statutory function of the VoCC.

### **ACT Policing**

The Government's study into the ACT's future policing needs as a means of informing the Purchase Agreement progressed over the reporting period. However, it was extremely disappointing to learn that ACT Policing's functional review did not contain any consideration of its victim contact and liaison work. This is an extraordinary omission in a community policing review given that modern police services rely heavily on the cooperation of citizens (victims and others) to report incidents and to cooperate with investigations. The VoCC wrote to the Chief Executive of DJACS to protest against the exclusion and to express grave doubts about the credibility of a community policing study that did not address these issues. In particular, the lack of capacity in the police database, PROMIS, to routinely capture victim contact details has now been a feature of the past four VoCC Annual Reports. How the review and the Purchase Agreement will concretely address it remains to be seen.

Notwithstanding this frustration, AFP liaison with the VoCC Office remains strong. The determination of the in-coming Deputy Chief Police Officer, Commander Shane Connolly, and D/Superintendent Ann McEvoy to re-evaluate corporate attention to victim of crime issues is very welcome. Key issues put before them by the VoCC include:

- ⦿ the critical need to establish service standards to victims of crime and consequent performance measurement for the agency as a whole (especially amongst general duties and special teams),
- ⦿ development of a strategic and structured set of responses from police to victims of crime,
- ⦿ methods to survey victims of crime (as per the Purchase Agreement) and to evaluate responses, and
- ⦿ consideration of the pivotal role that is played by police Victim Liaison in quality assurance and in risk management and ways of supporting this within the agency.

The VoCC also met with the OIC of ACT Policing's Judicial & Prosecution Support section, Superintendent Peter Budworth. The meeting discussed the inclusion of victim interests in the processing of charge and summons matters, and the manner in which victim requests for reparation are addressed.

The VoCC received considered responses to questions raised about victim follow-up in territory investigations being major operations and serious cases. It is apparent that developments in these areas should form a core part of a new corporate approach to victims of crime. The results of an internal AFP working party should become apparent over 2005-06.

## Director of Public Prosecutions

Liaison with the *Director of Public Prosecutions* (DPP) is a valued and critical component of the work of the VoCC.

The Director, Richard Refshauge SC, remains accessible to and sensitive of the concerns put by individual victims of crime and their families. His strong leadership in the Family Violence Intervention Program is especially appreciated. Whilst the Office of the DPP does not represent victims of crime in criminal proceedings, the Director nonetheless recognises that victims who are informed and supported in the prosecution process enhance the quality of justice.

The VoCC has continued to work with prosecutors and Witness Assistants in the ODPP to promote the obligations imposed upon prosecutors under the *Victims of Crime Act 1994* and the Joint Protocol on Victim Support between the ODPP and ACT Policing. The work is particularly well developed within the ODPP in relation to family violence. As part of the Family Violence Intervention Program (FVIP) roles and responsibilities and information provision is clear. However, it is apparent that service standards with regard to other offence types is less clear for prosecutors. This is apparent in the variable responses provided in cases. As a consequence, the VoCC has worked actively to assist the development of documentation where responses to victim/witnesses are categorised and prioritised. It is hoped that these internal standards will be finalised and brought into operation over 2005-06.

The VoCC was invited to present the opening address to the National Forum of DPP Witness Assistants in Sydney in 2004, and to act as facilitator to discussions. That Forum confirmed that the ACT lags behind other jurisdictions in the number and remuneration level of Witness Assistants employed as support staff within prosecution authorities.

The number of homicide matters prosecuted by the DPP has drawn the VoCC Office into providing support, information and advocacy to family members over extensive periods of time. Families have consistently shown the need for receiving a high level of information and engagement with the prosecution process. The capacity of both the ODPP and the VoCC Office is limited. However, the Offices have worked hard at sharing that responsibility in ways appropriate to their different statutory obligations and purpose. The interests of family survivors of homicide with regard to the forensic mental health management of offenders/patients remains an issue. The compassion and patience of prosecutors in homicide matters is greatly appreciated.

The VoCC has continued to remain involved in consideration of the prosecution of sexual offences both with regard to particular cases and review initiatives. A series of national studies into the prosecution of sexual assault conducted by the Australian Institute of Criminology on behalf of the Federal Government were developed and published over the past year. The VoCC was involved in these studies both as a respondent and as a member of an AIC reference group. The studies provide jurisdictions with the first Australian studies in this critical area. It is hoped that these will also inform future ACT developments.

## The ACT Human Rights Act 2004

The enactment of the *Human Rights Act* in the ACT has been a seminal event. The VoCC is committed to active consideration of the extent to which the application of the Act impacts on the interests of victims of crime. That is, the extent to which the Act influences the right of members of the ACT community to live in peace, tolerance and safety with regard to each other, and the extent to which the Act influences the responses of Government services and entities in responses to people victimised by crime.



The VoCC was an invited participant to a Forum convened by ACT Corrective Services early in 2004 that explored the impact of the Act upon its work. The VoCC has also been an invited participant to two community fora convened by the ACT Human Rights and Discrimination Commissioner.

A number of matters before the Court where human rights issues were raised have been brought to the attention of the VoCC as having an impact on the interests of victims of crime. The implications of these and other cases will be considered over the upcoming year.

## Family Violence Intervention Program (FVIP)

The FVIP is implemented by a group representing ACT Policing, the ODP, Courts Administration, the Department of Justice & Community Safety, Corrective Services, Domestic Violence Crisis Service (DVCS), Relationships Australia, the Office of Children, Youth & Family Support, and the VOCC. The Legal Aid Office, the Law Society and the Victims Services Scheme regularly participate.

This year saw the agencies involved in the FVIP win a major award from the Australian Institute of Project Management (AIPM). The AIPM recognises and commends projects across Australia that employ project management methodology to achieve positive outcomes. The FVIP Coordinating Committee won the ACT Award for Community Benefit. Agencies received a commemorative plaque and certificate at a gala dinner.

The FVIP also featured in a report by the UK Department of Constitutional Affairs (previously Lord Chancellor's Department) that examined the work of special courts and specialised jurisdictions in the areas of drug offences, family violence, and minor crimes.

The FVIP has been extremely influential in a number of major reform initiatives in other jurisdictions. Over the past year, presentations about the FVIP were conducted for the Victorian Law Reform Commission and the Family Law Council of Australia. A number of command areas in New South Wales requested training from or visited the ACT for the purpose of implementing similar programs. Out of these and earlier presentations Tasmania has implemented a multi-million dollar, *Safe at Home* strategy. Victoria has developed a new approach to criminal justice responses to family violence that is focussed on the ACT's model of a specialised jurisdiction. In NSW two pilot Domestic Violence Intervention Courts in Wagga Wagga and in Campbelltown (and another initiative in Bega) has drawn heavily on the knowledge and expertise of FVIP practitioners.

Over the year, the FVIP agencies finalised their commitments to the inter-agency strategic plan 2003-2005. A Memorandum of Agreement consolidated the governance arrangements for the program. The facilitation and coordination of the FVIP as a cross Government program that also works with community-based partners is unique to the ACT. The sustainability of this effort is a continual challenge but the Memorandum represents a significant step forward. Planning for a new strategic plan for 2005-2008 also commenced in the reporting period.

ACT Corrective Services commenced a review of its family violence work and, in particular, the Learning to Relate Without Violence and Abuse Program (LTRWVA). The program is utilised as a sentence option by Magistrates. The management of family violence offenders is a complex and ever challenging area.

It is subject to a unique collaboration between ACT Corrective Services, Relationships Australia and the Domestic Violence Crisis Service (DVCS). A protocol between the agencies was finalised over the reporting period.

With the Domestic Violence Crisis Service and the Office of the DPP, a number of representations were made to the Office of Children, Youth and Family Support about the responses of Care and Protection Services to children made vulnerable through family violence and where criminal charges were proceeding in relation to a party. Working to better integrate responses between these sectors will form a major aspect of work for FVIP agencies in the coming year.

## Domestic Violence Coordinator

The VoCC is also appointed by the Attorney-General, under the *Domestic Violence Agencies Act 2001*, as Domestic Violence Coordinator. The statutory functions of this position focus primarily on measures to promote the coordination and reform of government responses to domestic violence. The Coordinator discharges these responsibilities in a number of ways. In particular through the coordination of the FVIP, involvement in the Chief Minister's Department initiative on *Justice for Women*, and through participation in the Elder Abuse Taskforce.

The VoCC is, in her capacity as Domestic Violence Coordinator, an ex-officio member of the Domestic Violence Prevention Council (DVPC). A new Council membership was appointed over the reporting period. Ms Margie Rowe, a practitioner at the ANU Legal Workshop, was appointed chairperson by the Attorney-General. The Domestic Violence Coordinator works closely with the chairperson to develop initiatives appropriate to its remit. The activities of the Council are the subject of a separate annual report.

## Restorative Justice Initiatives

The VoCC is pleased to be a member of the Restorative Justice Reference Group that assists the implementation of the *Crimes (Restorative Justice) Act 2004*. Representations to the Restorative Justice Unit sought information as to the nature of and manner in which informed consent of a victim to participate was sought. The VoCC also sought information as to the supports that were to be offered to victims pre and post a restorative intervention.

The implementation of the Act in its first year commenced in the Children's Court. The constraints imposed by the *Children and Young People Act 1999* with regard to the confidentiality of identifying information about young offenders raises a significant issue for restorative justice. There is constraint on access to case relevant information by victims of crime in Children's Court matters and on the subsequent management of young offenders by Youth Justice.

The pilot Ngambra Circle Sentencing Court (NCSC) involved victims of crime in a new and positive way. In a report for the review, the VoCC noted that the pilot brought an opportunity to victims to voluntarily seek:

- ⦿ Direct and indirect participation,
- ⦿ Verbal and/or written submission as to impact of the offence,
- ⦿ More information about the offender and the context for the offence,

- ⊙ Direct and reasonably unconstrained communication to the offender, the Magistrate and others,
- ⊙ Challenging the offender's perspective of the offence and the offending, and
- ⊙ Hearing other ATSI community members and the prosecutor challenge the offender's perspective of the offence and the offending.

The Interim Practice Direction (April 2004) set out the basic procedure and areas of responsibility with regard to victims of crime. This is the first time that a Practice Direction of the Magistrates Court has expressly allowed for victim inclusion and victim representation. Critical to victims' interests, a provision allowed for the ODPP to refer a victim to the VoCC for the purpose of gaining informed consent to participate (and on what basis) or not.

The VoCC Review Report noted that in the ten matters the Office was involved with over the review period 10 out of a possible 11 victims were contacted. Of those contacted, six involved family violence offences and four of these were Indigenous victims. At initial contact, two victims indicated a preference to participate and 7 were initially reluctant. Following discussion with the VoCC Office, 3 victims chose to participate in a Circle Court in person, 4 made written submissions and one support person attended.

The VoCC noted that the average length of time at initial contact was 30-60 minutes, and that those involving family violence typically involved four to five times longer the time commitment.

Of the ten victims with which the VoCC had contact, eight of these expressed relatively unreserved support for the Indigenous social justice initiative. Of the 11 primary victims, only two indicated a preference for a custodial sentence for the offender.

During the pilot project, the VoCC noted some issues being the importance of:

- ⊙ Timely notifications & coordination of notifications,
- ⊙ Bail application consistency,
- ⊙ Consistency in the receipt of victim submissions,
- ⊙ Consultation by prosecutors with regard to proposed amendments to victim submissions,
- ⊙ Clear and consistent information to victims,
- ⊙ Preparation of the defendant in meeting the victim,
- ⊙ Practical issues for victim participation including travel,
- ⊙ Consistency in the practicalities involved in the conduct of Circles,
- ⊙ Direct reparation (financial or otherwise) between victim and offender, and
- ⊙ Post-court support and information for the victim.

The VoCC Review Report noted that victims of these matters received a far greater level of support and information than did victims in usual criminal matters. The report noted that, without additional resources, it would be difficult to continue this level of enhanced support.

It is apparent from both the restorative justice initiative and that of the Circle Court that the active involvement of victims of crime is of benefit to the quality of the interventions overall. It is also apparent that this level of involvement is extremely resource intensive. The VoCC will closely monitor developments.

## Improving Services for Victims of Crime

Under the VOCA the VoCC has an obligation to promote efficient delivery of services to victims of crime. The VoCC discharges the obligation to promote efficiency in a number of ways both with community groups, and with justice and health and welfare agencies. In the main, service efficiencies are sought both formally and informally in interagency and multi-disciplinary collaborations. The VoCC participates in the Victim Support Network meetings conducted by the Victims Services Scheme.

The VoCC is an ex-officio member of the Victim Assistance Board. As a member the VoCC has supported the Departmental review of the services. At the same time, it remains concerning that uncertainty continues about the various contractual obligations. Through the Board, the VoCC has also raised a number of issues about service responses including:

1. Case coordination in serious and major crimes.
2. Liaison between the Victims Services Scheme, hospital social work teams and hospital discharge planners.
3. The accessibility and adequacy of internet information for victims of crime.
4. The referral process from police via Supportlink to the Victims Services Scheme.
5. Encouraging the importance of gaining feedback from the VSS Approved Providers and in supporting their professional development with regard to victims of crime.

Cases of people seriously injured in incidents involving motor vehicles have raised a number of questions about their access to counselling services and eligibility to apply for victims of crime financial assistance. It is hoped that these issues may be clarified in the coming year.

The VoCC has conducted professional education for the ANU Law School by providing modules for the ANU Legal Workshop on the Rights and Responsibilities of Victims of Crime. A workshop was also provided to new volunteers at VOCAL. The Office continues to provide modules on victims of crime for the AFP new recruit training and under the FVIP.

## Victims of Crime Financial Assistance Scheme

The operation of the Victims of Crime Financial Assistance Scheme continues to generate a high number of requests to the Office from victims of crime for assistance. The VoCC was pleased to see the minor legal assistance scheme initiated by the ACT Legal Aid Office come into operation.

The minor legal assistance scheme involves two solicitors firms – one north and one south – that provide three hours advice and assistance on legal matters to victims of crime. The VoCC Office has referred clients with legal queries in relation to:

- ⦿ the potential for civil action against offenders and in relation to justice agencies,
- ⦿ rights and responsibilities as witnesses to the prosecution, and
- ⦿ applications for victims of crime financial assistance.

The VoCC Office works closely with the solicitors to ensure that clients receive consideration about the wide range of different types of expenses and impacts that criminal victimisation can result in.

The report (No. 8) of the Standing Committee on Legal Affairs on the Victims of Crime (Financial Assistance) Amendment Bill 2003 was issued in June 2004. It is unknown at this time what the Government's response to that enquiry is to be.

## Victims of Crime and Crime Prevention

For the past few years, the VoCC has been a member of the ACT Crime Prevention Committee. However, over the past year, the VoCC has been unable to participate due to the pressure of other priorities. Workload pressure has also prevented the VoCC from fulfilling a commitment to conduct a workshop for victim services to build their capacity to offer prevention advice and assistance to crime victims. The VoCC was able to participate – on a minimal basis – in a departmental initiative to explore residential burglary against households with low socio-economic profiles.

## Records Management

Over 2004-2005, action has been taken to ensure compliance with the record-keeping requirements of the *Territory Records Act 2002* (the Act). The VoCC received a Records Management Project Plan (April 2005) approved by the Chief Executive Officer and participated in meetings aimed at providing information about relevant policy, procedures, and record-keeping skills.

It should be recognised that significant resources are required to progress the records management requirements and hence progress in the VoCC Office has been necessarily limited to the resources available against other competing high priority tasks. Nonetheless, the Office has

- ⦿ realigned its record-keeping to the categories provided by the IDMS, and
- ⦿ commenced work on a records keeping procedure.

Finalising a record-keeping policy for the Office, and a Records Disposal Schedule remain to be completed.



# 02

## VICTIMS SERVICES SCHEME

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The Victims Services Scheme (VSS) was established in Part 4 of the *Victims of Crime Act 1994* and operates under the *Victims of Crime Regulations 2000*.

The Victims Services Scheme provides assistance to victims of crime, where the crime was committed in the ACT. The services provided promote peoples' recovery from the harm suffered, and seeks to help them to continue to take part in the social, economic and cultural life of the community. The assistance is provided using a multi-disciplinary approach, and aims to be timely, accessible, solution-focused, professional, individualised and appropriate to victims' needs.

## Key Achievements 2004-2005

- ◎ The past year has seen continued growth for the Victims Services Scheme. The number of new clients registered for the year was 676, an increase of 7.3% compared to the 2003-04 financial year; and an overall increase in the referral rate of 39% from the first year of operation.
- ◎ The Victims Services Scheme contributed to the review of its operations conducted by the Department of Justice and Community Safety through staff participation in structured interviews and by recruiting clients via a mail-out to participate in the review.
- ◎ The research project on 'The Health and well-being of victims of crime before and after accessing services through the Victims Services Scheme' that commenced in October 2003 is nearing completion. A DPsych student from ANU is conducting the research with VSS staff assistance. It was given ethics approval by ANU and ACT Health. VSS staff sought client agreement to participate at intake – the project will continue beyond the 2004-05 financial year. This project contributes to the requirement under the original 3 year contract for ACT Health as the responsible service agency to evaluate which treatment and rehabilitation methods or modalities are most effective for victims in particular situations and circumstances in accordance with Regulation 22 (g) of the *Victims of Crime Regulations 2000*.

## Client Profile 2004-2005

- ◎ 3% of clients identify as having an indigenous background
- ◎ 27% of clients are male
- ◎ 40% of clients are aged 20 years and under
- ◎ 12% of clients have a country of origin other than Australia
- ◎ 72% of clients referred themselves, or were referred by a relative
- ◎ 92% of clients presented with psychological and emotional injuries
- ◎ 22% of clients suffered a sexual offence
- ◎ at 61%, assault related offences remain the most common type of crime



## Reporting Period

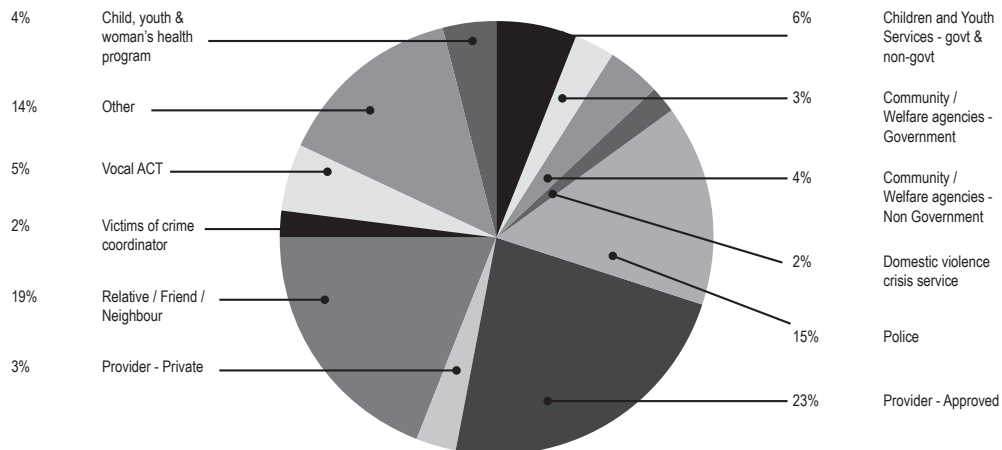
Information in this document relates to the 2004-2005 Financial Year. ACT Health, Community Health remains the responsible service provider for the Victims Services Scheme. The contract between ACT Health and the Department of Justice and Community Safety to provide the Victims Services Scheme ended on 31 December 2003. ACT Health is operating the service under 6 monthly extensions of a Memorandum of Understanding pending evaluation and a decision regarding the model for the future provision of a Victims Services Scheme.

## Client Profile Data

The Victims Services Scheme continues to provide outreach to services in the community. Staff members participate in the Domestic Violence Interagency the and Family Violence Intervention Program, as well as liaising and networking with Family Services Regional Teams, Housing ACT, the Victims Liaison Officers of the Australian Federal Police, Refugees, community support agencies and Schools as Communities etc.

### i) How clients found out about the VSS

While a number of clients are counted as self-referrals, a recommendation to contact the Victims Services Scheme may have come from a third party and this information is reported as 'how the client learnt about the service.' See the pie chart below for a report on how clients found out about the Victims Services Scheme:

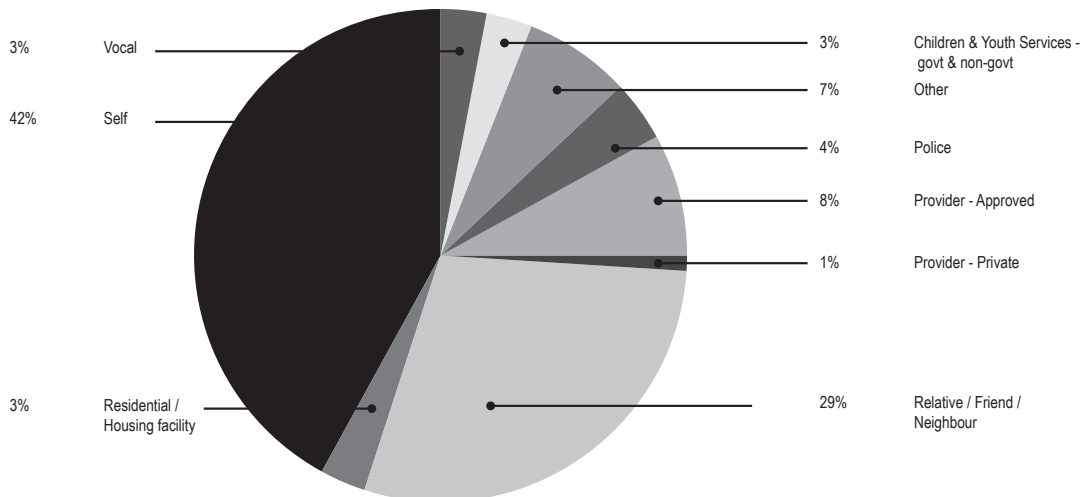


- 5% of clients report that they found out about the VSS from VOCAL
- 26% of clients were told about the VSS by providers and contacted on their advice for assessment of eligibility
- 19% of clients were recommended to contact the service by a relative, friend or neighbour
- 15% of callers stated they had been informed of the service by the police
- \*Other includes sources that represent responses of 1% and under during the year including: -Aboriginal Services – non-government; Alcohol & Drug Program; Centrelink; Corrective Services; Doctor; Employer; Hospitals - Public; Legal Agencies – government; Legal Agencies – non-government; Lifeline; Men's health services - non government; Mental Health Program; Other Government Department; Pamphlet/poster; Politicians; Rape Crisis Centre; Refuge; Residential/Housing facility; Solicitor; Not otherwise specified; Website.

The diversity of referral sources identified by clients is broader than in previous years and reinforces the impression that knowledge of the service is being disseminated to quite a wide range of unrelated and equally important referral sources in the ACT community. VSS continues to liaise and outreach with victim support and general health and welfare agencies and explore other options to ensure a wide range of people are aware of the assistance available.

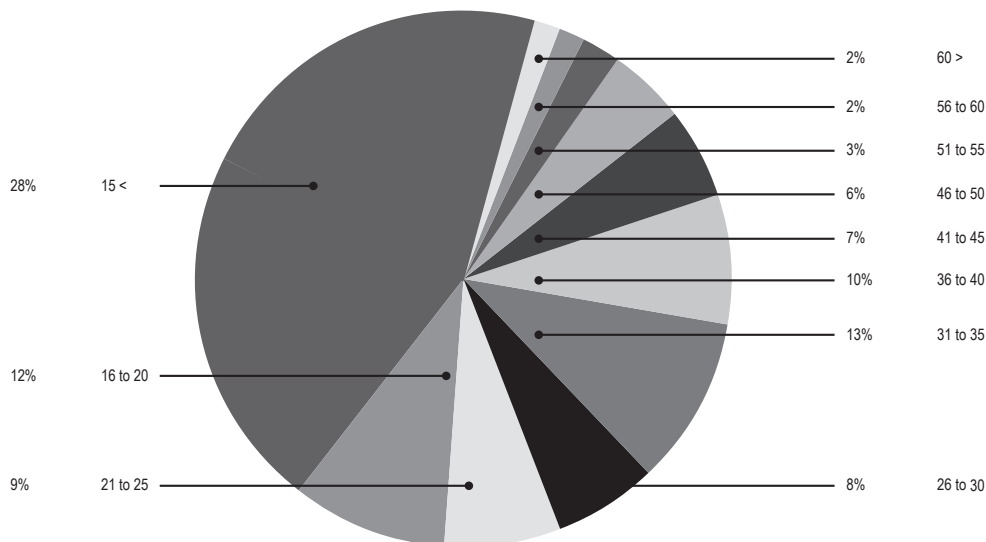
## ii) Who referred clients

As the philosophy of the Victims Services Scheme is focussed on client empowerment clients are encouraged to initiate contact with the VSS wherever possible so the majority of referrals are recorded as self-referrals or in the case of children and young people by a relative, making up 71% of all new referrals



\*Other, includes those that represented responses of 1% or less within the year including, Centrelink; Child, Youth & Women's health program; Community welfare agencies – government and non-government; Doctor; Domestic Violence Crisis Service; Employer; Hospitals-public; Legal Agencies – government & non-government; Link; Mental Health Program; Not Specified elsewhere; Other government department; Pamphlet/poster; Rape Crisis; Refuge; Social workers – community & hospital; Solicitor; Victims of Crime Coordinator

### iii) Age distribution of clients



40% of VSS clients are aged 20 or under. This percentage remains consistent with data from previous years.

### iv) Gender

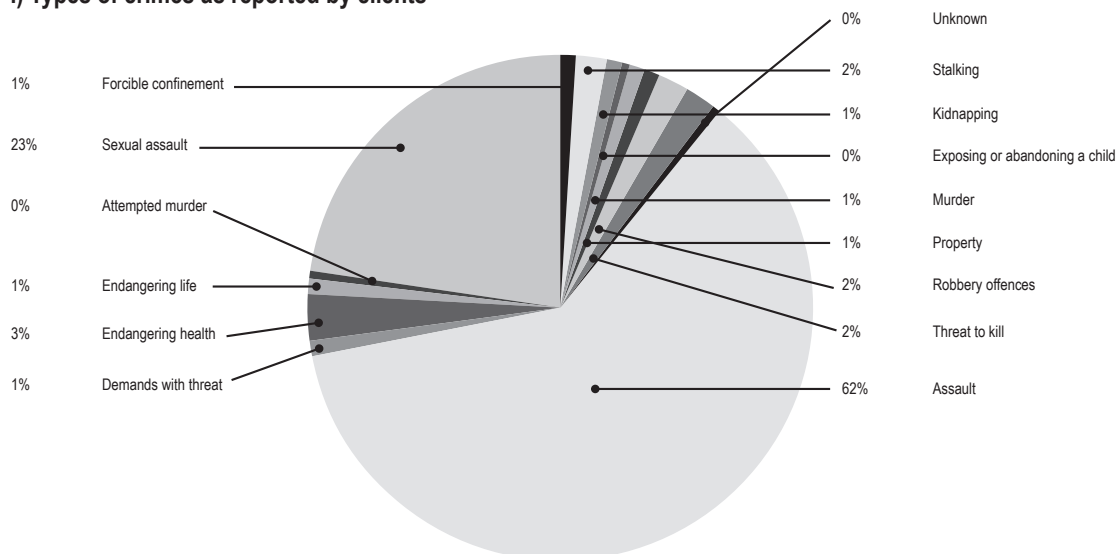
73% of VSS clients are female and 27% male

### v) Country of Origin of clients

Of those who disclosed the information, 12% of clients were born in places other than Australia.

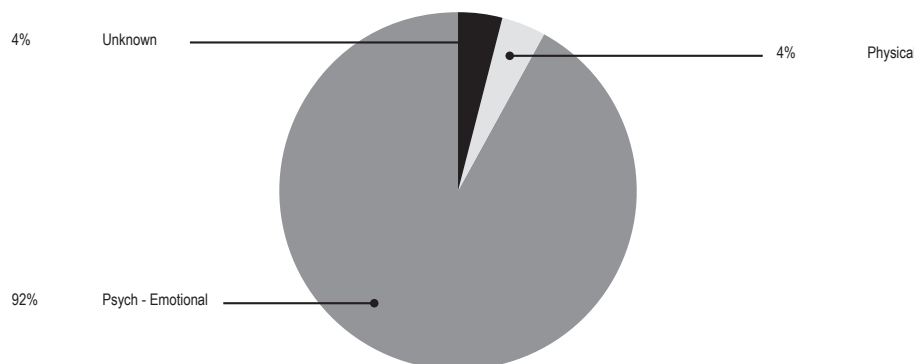
## Clients' Experience of Crime

### i) Types of crimes as reported by clients



## ii) Clients present with a range of injuries:

The injury distribution noted here is what clients have identified to VSS staff as their chief concerns/issues



## Services

### i) Levels of Service:

The Victims Services Scheme provides service at various levels to meet victim's differing needs:-

**Level 1** – all eligible victims<sup>1</sup> are entitled to receive up to 2 contact hours of service

**Level 2** – an eligible victim can receive up to 6 contact hours, in addition to Level 1, where the victim is a primary victim<sup>2</sup>, a related victim<sup>3</sup>, or a witness to a violent crime where they are likely to have suffered harm.

**Level 3** – an eligible victim, who has completed Level 2 service, who would gain therapeutic benefit from receiving further service, is entitled to not more than 12 contact hours, in addition to the Level 1 and Level 2 service.

**Exceptional Circumstances** – if the case coordinator for an eligible victim makes a written recommendation to the manager of the responsible service agency that—

- (a) on information available to the case coordinator, further contact hours in addition to level 3 service contact hours would give substantial therapeutic benefit to the victim; and
- (b) the further contact hours cannot be provided under a scheme or program other than the victims services scheme.

<sup>1</sup> Eligible Victim – a victim of crime, other than one who suffers harm caused by, or arising out of the use of, a motor vehicle; or one who suffers harm (directly or indirectly) as a result of committing an offence. The crime must have been committed in ACT. The determination of eligibility is a function of the Victims Services Scheme. Victims of crime who have been injured in other states and territories are referred to their local assistance schemes.

<sup>2</sup> Primary Victim – a person who is injured as a direct result of a violent crime committed against him or her; or assisting a police officer in the course of their duty.

<sup>3</sup> Related Victim - in relation to a deceased primary victim is a person who, at the time of the primary victim's death was a close family member, dependant of the primary victim, or had an intimate personal relationship with the primary victim.

In the reporting period, the total number of new eligible victims who have registered with the Victims Services Scheme was 676, an increase of 7.3% over the number registered in the previous year.

#### **ii) Total Number of Clients:**

As at 30/6/05, the

Total number of active clients<sup>4</sup> was 676

Total number of inactive clients<sup>5</sup> was 1686

Total number of clients discharged<sup>6</sup> was 623

Clients using the Victims Services Scheme choose the type of services they require, and the providers of these services from Approved Service Providers. The Victims Assistance Board is responsible for the approval of service providers. There are currently 52 approved service providers covering a variety of disciplines and locations throughout Canberra.

#### **iv) Hours of service provided, numbers of approved service providers:**

VSS clients completed 4,098.5 contact hours with external providers. The Service's clients consulted 67 external providers – this includes 'authorised exception' providers interstate.

## **Volunteer Services**

The Victims of Crime Assistance League (VOCAL) ACT Inc, through a Service Level Agreement between ACT Health and VOCAL, provides the volunteer component of the Victims Services Scheme. This Agreement has been in place since the Department of Justice and Community Safety (DJACS) awarded the Contract for the provision of a Victims Services Scheme to ACT Health in 2000 following a submission prepared jointly by ACT Health and VOCAL and has been extended in line with the extensions of the Memorandum of Understanding between the Department of Justice and Community Safety and ACT Health.

Under the Agreement, funding is provided for VOCAL to recruit, train, supervise and implement and evaluate volunteer services provided as part of the VSS for eligible victims whose crime occurred in the ACT, separate from VOCAL's other services provided to victims of crime who are residents of the ACT and region whose crime occurred outside the ACT.

Services provided by VOCAL for the volunteer component of VSS include:

- ⦿ Court support
- ⦿ emotional support

4 Active Client – a client who has received a service from the Victims Services Scheme during the specified time period.

5 Inactive Client – refers to all clients who have registered with the Victims Services Scheme, but have not necessarily received a service during the specified time period. These clients may have received their service hours, or have chosen not to continue receiving services.

6 Discharged from Victims Services Scheme during the reporting period – the victims has reached the goals specified in the care plan following provision of service, or has chosen to discontinue service at this time. A client who was discharged before this would be classified as an inactive client.

- ⊙ practical assistance
- ⊙ on-going services to victims
- ⊙ advocacy
- ⊙ outreach/home visiting

The Chairperson and Coordinator of VOCAL identified to ACT Health that referrals from ACT Health, VSS, to VOCAL, were of concern at a meeting in December 2004. VSS intake forms were subsequently modified to ensure all VSS intake staff advised new clients of the availability of referral to VOCAL and if requested, to document whether the clients would initiate contact themselves or for VSS staff to follow up – this is reflected in the form as follows -

**'Vocal referral for volunteer support (circle)**

*Client agrees and will contact VOCAL personally*

*Client agrees to VSS referral to VOCAL & referral form completed*

*Client already known to VOCAL*

*Referral declined*

*Other eg lives interstate etc'*

The VSS Manager audited the compliance with the change to the form for the period January to June 2005 with the following results: -

- ⊙ 87% compliance with the new process [ie 13% not stated] as follows:
- ⊙ 59% of all new clients declined referral to VOCAL
- ⊙ 9% other eg lived interstate
- ⊙ 8% indicated they were already known
- ⊙ 7% said they would make contact themselves
- ⊙ 4% requested VSS referral

The audit process was used to remind staff of their obligation not only to inform clients of the availability of assistance through VOCAL but also to document this on the intake and referral form.

The above information has been fed back to VOCAL in writing.

## Evaluation

The research project on 'The Health and well-being of victims of crime before and after accessing services through the Victims Services Scheme' is nearing its conclusion, with the research student finalising questionnaires and data analysis.

## Staffing

Staffing current at 30/06/2005 was 6.8FTE comprising one manager with 50% clinical load, 4 full-time intake officer/case managers, 1 part-time intake officer/case manager and 1 full-time administrative officer. The intake officer/case managers all have tertiary health professional qualifications in counselling, psychology or social work and undertake direct clinical work with some VSS clients in addition to case management duties.

## Training Attended by Staff

- ◎ The intern psychologist who commenced with VSS in February 2002 successfully completed the requirements of the ACT Psychology Registration Board for full registration as a psychologist in August 2004
- ◎ The administration officer attended 1 day training in Excel Intermediate level; a ½ day workshop with Urban Services on records management – 'Using and Understanding a Thesaurus'; Telephone Essentials; 'Accidental telephone counselling'; MS Excel 2000 Fundamentals; MS Outlook 2000
- ◎ Trauma workshops/conferences attended include a 2-day workshop on 'Complex Trauma' with Dr John Briere; the Australasian Society for Traumatic Stress Studies (ASTSS) Conference 'Advancing Traumatology: from violence, trauma and human suffering'; a 3 hour workshop 'Mental Health First Aid: Anxiety Disorders including PTSD and Panic Disorders'; 'Strong Stuff' a 1-day Canberra Resilience Symposium; 'Understanding Self Harming Behaviour'; 'Healing Chronic Traumatization'; 'Synthesis and Suicide: some speculations'
- ◎ All VSS staff attended a session on Health Records Education
- ◎ One staff member continued with Studybank to attend residential and study leave for the second year of her Master of Psychology course at Charles Sturt University, Bathurst. Another completed a 1 year Graduate Certificate in Professional Studies: Counselling Supervision at the University of Canberra in 2004. She was approved Study Leave and won an ACT Health Allied Health Scholarship to help her with her studies.
- ◎ All VSS clinical staff have enrolled in or completed ACT Health Child Protection Training
- ◎ Manager attended training on records management – 'Using and Understanding a Thesaurus'; and 'OH&S for Managers'
- ◎ 'Assist' training in suicide awareness and prevention
- ◎ Basic Life Support CPR – (all Health staff are required to attend this training)
- ◎ All clinical staff have participated in Professional Assault Response Training;
- ◎ 3 staff members attended a one-day workshop on 'Building, Maintaining and Repairing the Therapeutic Alliance'

## Training planned

- ⦿ One-day training course on Adobe Acrobat 7 for VSS admin officer
- ⦿ A one day course on Loss, Grief and Bereavement with Mal McKissock auspiced by the National Palliative Care Program
- ⦿ The conference of the Australasian Society for Traumatic Stress Studies with the theme of The Impact of Childhood Trauma Across the Lifespan.
- ⦿ A staff member will be commencing the Master of Arts in Counselling Program at the University of Canberra in Semester 2 2005

## Teaching/group facilitation

- ⦿ A student from the University of Canberra, Graduate Diploma in Community Counselling commenced a 2-week field experience placement in August 2004 – spread over up to 14 weekly sessions
- ⦿ Supervision provided by manager with input and support from the VSS team
- ⦿ The student project aimed to enhance outreach to community agencies and improve referral processes for clients. This project was completed in preparation for the recruitment of an outreach worker/intake officer to VSS in 2005

## Victim Support Network

The Victims Services Scheme in accordance with the terms of the original contract with the Department of Justice and Community Safety facilitates the operation of the Victim Support Network – the VSS worker with responsibility for coordinating outreach and networking activities commenced with VSS in January 2005. She has undertaken networking activities and education/information sessions in addition to her work as an intake officer/case manager. The agencies that have been included in education/information dissemination include several women's refuges, the ACT Division of General Practice, the Community Advocate's Office, local aboriginal health and community services and workers in the alcohol and drug sector.

Planning for an electronic Newsletter for distribution to the Victim Support Network in the next financial year is underway.



# 03

## ACT POLICING VICTIM LIAISON PROGRAM

ANNUAL REPORT 2004 | 2005



# ACT POLICING VICTIM LIAISON PROGRAM

## ACT Policing – Victim Liaison Officers

ACT policing employs two uniformed Victim Liaison Officers (VLOs) who work from City Police Station under the Crime Prevention portfolio. The VLOs assist ACT policing to adhere to the governing principles which relate to the treatment of victims of crime as set out in the *Victims of Crime Act 1994*.

The VLOs provide information to certain victims where the crime has been reported to police. The information is about the Victims Services Scheme (VSS), personal protection orders, Domestic Violence Crisis Service (DVCS), Victims of Crime Assistance League (VOCAL), family violence brochures, criminal proceedings information and other general crime prevention services such as CLASP.

Under the Family Violence Intervention Program (FVIP), the VLOs perform a core function at the weekly case tracking meetings. Case Tracking provides accurate and up-to-date case status information for all attending agencies (Director of Public Prosecutions, DVCS, VoCC, Corrections, Care and Protection Service) as well as feedback to investigators. It also provides additional information as to whether the victim is receiving the necessary support and referrals.

The VLOs statistics for 2004-2005 include:

- ◎ 1417 victim contacts
- ◎ 411 interactions/liaison with external agencies
- ◎ 303 interaction with members
- ◎ 37 training sessions

Victims often contact the VLO's wanting information about their case. If the VLO's are unable to provide that information, they task the Police members involved for a response. They also fulfil a quality assurance role where they ensure that patrol members adhere to current MOU's and protocols. Furthermore, the VLOs liaise with the members and offer support and/or information about their role, the responsibilities of police and the support that is available to victims of crime.

The VLO's provide training to Police Recruits, laterals (members who have come from other Police services) and local external agencies such as VOCAL and DVCS. This training includes information about the VLO role, police obligations to victims, information about victim impact statements, financial assistance and any other general assistance which can be provided.

ACT Police have reviewed the existing documentation and are developing a new victim information pamphlet which will be provided to victims of crime by attending members at the time of the incident.

**Contact for Further Information: GPO Box 401, Canberra City ACT 2601**

# 04

## VICTIMS OF CRIME (FINANCIAL ASSISTANCE) ACT

ANNUAL REPORT 2004 | 2005





AUSTRALIAN CAPITAL TERRITORY  
**LAW COURTS & TRIBUNALS**  
Magistrates Court

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Friday, 16 September 2005

Mr Jon Stanhope, MLA  
Attorney-General  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Attorney

I am pleased to present the Victims of Crime (Financial Assistance) Act 1983, Annual Report for the period 1 July 2004 to 30 June 2005.

This Annual Report has been prepared in accordance with section 71 of the Victims of Crime (Financial Assistance) Act 1983.

I hereby certify that the attached report is an honest and accurate account of the operations of the scheme for the period 1 July 2004 to 30 June 2005.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Thompson'.

Phil Thompson  
Registrar

---

Magistrates Court Building  
Knowles Place  
Canberra ACT 2600

GPO Box 370  
Canberra ACT 2601

Telephone: (02) 6217-4332  
Facsimile: (02) 6217-4508  
Web page: [www.courts.act.gov.au](http://www.courts.act.gov.au)

# Victims of Crime (Financial Assistance) Act 1983

## Annual Report 2004-2005

### 1.1 Introduction

- 1.2 Reform of Criminal Injuries Compensation Scheme
- 1.3 Legal Challenges to Validity of Act

### 2.1 Explanation as to the operation of the Act for the financial year 2004-2005

- 2.1 The Scheme
- 2.2 The Establishment of the Scheme
- 2.3 Eligibility for Assistance
- 2.4 Method of Applying for Financial Assistance
- 2.5 Determination of Applications
- 2.6 Basis of Financial Assistance
- 2.7 Limits of Financial Assistance
- 2.8 Recovery of Financial Assistance
- 2.9 Compensation Levy under the Act
- 2.10 Review of the Act and the Victims Services Scheme

### 3.1 Tables and information which include statistical data and analysis

- 3.1 Application for Financial Assistance under the Act
- 3.2 Level of Awards under the Act
- 3.3 Monetary Amount of Awards
- 3.4 Awards – Examples of Special Assistance
- 3.5 Awards – Type of Crime
- 3.6 Awards – Occupation of Applicant
- 3.7 Awards – Location of Crime
- 3.8 Gender of Victim

### 4.1 Brief summaries of the facts and circumstances of each individual award made during the financial year being 2004-2005

# Victims of Crime (Financial Assistance) Act 1983

## 1.1 Introduction

Section 71 of the *Victims of Crime (Financial Assistance) Act 1983* (the Act) requires the Registrar of the ACT Magistrates Court to provide, within 60 days of the end of each financial year, a report, in writing, to the ACT Attorney-General setting out the following:

- ⦿ the number of applications made during the financial year;
- ⦿ particulars of awards of compensation made in pursuance of those applications;
- ⦿ a brief description of the facts and circumstances to which those applications related; and
- ⦿ other particulars relating to the operation of the Act during the financial year, as the Registrar thinks fit.

The Victims of Crime (Financial Assistance) Annual Report (annual report) for 2004-2005 fulfils the legislative requirements of the Act.

The annual report is also required to adhere to any recommendations made by the Standing Committee on Legal Affairs. This Committee published its report in February of this year but made no recommendations specifically affecting this particular annual report.

## 1.2 Reform of Criminal Injuries Compensation Scheme

The *Victims of Crime (Financial Assistance) Act 1983* commenced on 24 December 1999. The legislative intention was to provide victims of crime in the Territory with better outcomes for a greater number of victims than occurred under the *Criminal Injuries Compensation Act 1983*. Additionally the purpose of this legislation is to provide a greater emphasis on rehabilitation and counselling services to victims of crime, rather than on cash payments only. Financial assistance is still made available to assist those who suffer a violent crime.

Since the commencement of the *Victims of Crime (Financial Assistance) Act 1983* the ACT Magistrates Court deals with all new applications for financial assistance by applicants. Appeals are still available to the ACT Supreme Court.

## 1.3 Legal Challenges to Validity of the Act

On 26 June 2002 the Federal Court of Australia delivered judgment in the appeal by the Territory from a decision of the ACT Supreme Court. (**Australian Capital Territory v Pinter and ors** [2002] FCAFC 186). The Federal Court dismissed the Territory's appeal (Black CJ, Spender and Higgins JJ; Finn and Dowsett JJ dissenting).

The effect of the judgment is that the retrospective application of the amending legislation is deemed unlawful. This revives the right of those applicants affected (approximately 300 in number) to claim pain and suffering with respect to injuries sustained. Some of these proceedings fall within the jurisdiction of the ACT Supreme Court. 15 of these cases were dealt with in the Supreme Court during the financial year 2004-2005 and brief case summaries of the facts and circumstances of each

individual award, and who made the award, are included at the back of this report. The total amount awarded in relation to these cases was \$181,235.30.

**Note:** This report does not contain a detailed statistical analysis of the Supreme Court cases.

## Section 2

Explanation as to the operation of the Act for the financial year 2004-2005

### 2.1 The Scheme

This annual report deals with the scheme operating in the Australian Capital Territory (the Territory) for the provision by the Territory of financial assistance for victims of crime for the financial year 1 July 2004 to 30 June 2005.

### 2.2 The Establishment of the Scheme

The scheme was established by the *Victims of Crime (Financial Assistance) Act 1983* (the Act) which commenced on 24 December 1999. This scheme vested jurisdiction in the ACT Magistrates Court for all matters commenced after that date. Prior to this Act, the ACT Supreme Court and the ACT Magistrates Court exercised jurisdiction of criminal injury matters under the *Criminal Injuries Compensation Act 1983* (CIC Act).

### 2.3 Eligibility for Financial Assistance

The persons entitled to seek an award for financial assistance under the scheme are described in sections 9, 10, 16, 17, 21 and 22 of the Act. The Act provides for four classes of persons who may apply for financial assistance under the Act:

- ◎ 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 (section 9 of the Act);
- ◎ Related victim – a ‘close family member’ or a dependent 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).

### 2.4 Method of Applying for Financial Assistance

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, in all the circumstances (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's Office (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 Government Solicitor, fix a date, time and place for determination of the application (subsection 27(4)(b) of the Act).

## 2.5 Determination of Applications

The *Magistrates Court (Civil Jurisdiction) Act 1982* applies in relation to proceedings on an application for financial assistance (subsection 28(1) of the Act). All applications are determined on the balance of probability (section 29 of the Act) and the applicant bears the onus of proof. The fact that the civil onus of proof applies to the determination of applications may in some instances result in an award being made where the perpetrator of the applicant's injuries has been acquitted of criminal charges related to the conduct when tried under the criminal onus of proof. In **Re the Matter of Robert Gilliland** (ACT Supreme Court of the Australian Capital Territory, unreported, 14 March 1986), the ACT Supreme Court ruled that the acquittal of the person alleged to have caused the injuries suffered by an applicant for compensation does not operate to bar the applicant's claim.

The Territory has a right of appearance in any proceedings on an application for financial assistance under the Act and exercises that right through an appearance by the Government Solicitor's Office (section 28(2) and (3) of the Act). As the Territory is required to pay any award of compensation made under the Act, the ACT Supreme Court determined that the Commonwealth (now the Territory) has an interest to protect and thereby should be given leave to be heard on such applications. See *In the Matter of an Application by Anthony Nikolich* ACT Supreme Court of Australian Capital Territory, (unreported, 31 May 1988).

In proceedings under the Act, an applicant may act on their own behalf, or may be represented by a legal practitioner. However, a legal practitioner must neither seek nor charge fees that exceed the amount allowable under the regulations (section 47 of the Act).



If the Territory is a party to the application, by a primary victim or a person responsible for the maintenance of a primary victim, it may require the primary victim to undergo an examination by a health professional chosen by the victim from a list of health professionals approved by the Minister. The cost of examinations is to be borne by the Territory, and if the primary victim refuses to submit to the requirement, the Court shall not award any financial assistance pursuant to the application (section 30 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. In most cases, the applications are settled at conference. If the matter proceeds to hearing, the applicant may rely on oral and affidavit evidence and on documents tendered with the consent of the Territory's legal representative, or otherwise ruled to be admissible. The applicant, or his or her legal representative is given an opportunity to make submissions, followed by the legal representative for the Territory. The applicant, or his or her legal representative, is also given an opportunity to reply to the Territory's submissions.

The Government Solicitor's Office plays an active role in consultations with the applicants (and their legal representatives when they have retained a solicitor) at the conference and/or prior to the date fixed for hearing of applications. In effect, the process has allowed for limiting of the issues of the application, thus resulting in time and cost savings to the Court, the applicant and the Government Solicitor's Office. Many of the cases are settled, with the Territory making an offer to the applicant and the Court approving the settlement of the matter. An applicant, or the Territory, may appeal to the ACT Supreme Court within 30 days of a decision being made by the ACT Magistrates Court either awarding or refusing to award compensation. The *Magistrates Court (Civil Jurisdiction) Act 1982* applies in relation to an appeal of a decision made by the ACT Magistrates Court.

In considering any appeal from the ACT Magistrates Court, the appellants may be mindful of the judgment of the Federal Court in **Commonwealth of Australia v Pilllifeant** (no ACTG57 of 1989, 4 June 1990 of the Federal Court of Australia), which was an appeal from the Registrar of the ACT Supreme Court. Their Honours Kelly, Neaves and Lee JJ, concluded that whilst it may not always be necessary to proceed to determine an appeal by way of re-hearing de novo, it may be required in appropriate cases.

The Court may make an interim award for financial assistance pending the making of a final award to the applicant where it is satisfied that an award of compensation 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).

The Court may adjourn proceedings pending ascertainment of set-off amounts (section 42 of the Act).

Divisions 3 and 4 of the Act provide for the types of set-offs which can reduce the amount of financial assistance to primary victims, responsible persons, related victims and eligible property owners with the purpose of ensuring that no duplication of assistance is received. The set-offs include any damages payments, reparation payments (section 437 of the *Crimes Act 1990*), medical fund payments, insurance benefits and any social security payments to which a primary victim or responsible person is entitled (sections 35 and 40 of the Act).

Divisions 3 and 4 of the Act also provide for types of set-offs which can reduce the amount of financial assistance to the primary victim, responsible persons, related victims and eligible property owners. The set-offs include any special assistance that the primary victim and related victim is entitled to; (sections 36 and 41 of the Act); payment of damages in respect of the injury or damage less an amount determined by the Court or any amount payable under another law (subsection 36(2) of the Act); intoxication of the primary victim (section 37 of the Act); minor crimes committed by the primary victim and/or eligible property owners (section 38 of the Act).

An award of financial assistance may be made subject to certain conditions as the Court determines (subsection 44(1) of the Act). The conditions of the award may be subject to the disposal or apportionment of any amount to be paid in pursuance of the award, and the holding of any amount to be paid in pursuance of the award in trust for a person entitled to the benefit of that amount (paragraphs 44(2)(a) and (b) of the Act).

The Court may, on application by the Government Solicitor or the applicant, vary an award by increasing or reducing the amount of financial assistance to be awarded (section 46 of the Act). In determining an application to vary an award, the Court must have regard to any further evidence available since the making of the award, any amounts received by or becoming payable to the person in whose favour an award was made since the making of an award, any change in the economic circumstances of that person since the making of the award and any other relevant matter.

Where an interim or final award of financial assistance is made to a person, that amount is liable to be paid by the Territory (section 48 of the Act).

## **2.6 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 (sections 10, 19 and 23 of the Act). This limit applies in respect of all prescribed injuries that a person sustains approximately at the same time; as a result of criminal conduct of each of two or more persons acting together; or otherwise arising out of the same circumstances, as though those injuries were one prescribed injury.

Additionally, applicants may be entitled to special assistance if they are a primary victim who has sustained a criminal injury that is extremely serious and they have obtained assistance from the Victims Services Scheme (subsection 10(2) of the Act) for an amount of \$30,000 (paragraph 10(1)(d)). For related victims an amount of special assistance can be awarded to all related victims of \$30,000 (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 actions 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 92A to 92L of the *Crimes Act 1900*), as well as a police officer, ambulance officer, or firefighter when the criminal injury was sustained in the course of their functions as an officer, is entitled to special assistance for pain and suffering of no more than \$50,000 (paragraphs 10(1)(e) and (f) of the Act). Special assistance for primary victims may be available in the amount of \$30,000 (paragraph 10(1)(d) of the Act) if the criminal injury falls into the category of an 'extremely serious injury' (section 11 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 the 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 for compensation) incurred as a result of the injury and death, and 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 may also be awarded by the Court (sections 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 actions 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 (section 23 of the Act).

## **2.7 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; or if the primary victim is such a victim by virtue of the commission of a violent crime against him or her – unless a report is made to a police officer; or if the primary victim was engaged in the commission of a serious crime (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; or where at the time the criminal injury was sustained the primary victim was engaged in the commission of a serious crime; or where the primary victim was such a victim by virtue of the commission of a violent crime against him or her – unless a report of the violent crime is made to a police officer; or if the primary victim contributed substantially towards the criminal injury that resulted in their death (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 engaged in the commission of a serious crime (section 24 of the Act).

2.8 Recovery of Financial Assistance

Part 4 of the Act provides for the recovery of financial assistance from a defendant who has been served with a provisional order for restitution (section 52 of the Act provides for definitions). The Registrar is able to consider that, before or after the final award is made in relation to criminal conduct, if a person has been convicted of a related crime, 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).

The Registrar granted 20 provisional orders for restitution in this financial year. The total amount was \$331,994.96 for those provisional orders. This financial year the ACT Government Solicitor recovered an amount of \$12,110 pursuant to provisional orders.

Thirteen of the provisional orders were confirmed. An additional five provisional orders granted in the last financial year were also confirmed. Three notices of objection (section 55 of the Act) were filed against provisional orders. Two of the awards were reduced. Those awards reduced and revoked are as follows:

Provisional Award	Reduced to
\$4,349.00	\$2,224.00
\$13,874.98	\$3,468.77

These reductions in provisional orders have no impact on the amount awarded and received by the assisted person.

Seven applications for restitution orders are still to be determined including six which have not been served.

In addition, Part 4 also provides that an award can be recovered from an assisted person if that person has received compensation from another source. There have been no applications in this regard.

2.9 Compensation Levy under the Act

A person who is convicted of an 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 any pecuniary penalty imposed in relation to the offence (subsection 68 (3) of the Act).

For this financial year there were 2025 compensation levies imposed by the ACT Magistrates Court.

The total amount for compensation levies imposed in the financial year was \$101,250.00. An amount of \$89,762.90 was paid for compensation levies in the financial year.

The amount that is outstanding has not been collected by the Court for a variety of reasons. Those reasons include: person with levy imposed is not able to be located; those persons are incarcerated; or they are appealing the compensation levy.

## 2.10 Review of the Act and the Victims Services Scheme

The Act and the Victims Services Scheme was reviewed in 2002 by an external consultant, Dr Anthony Dare, as required under section 72 of the Act. The report "Assistance for Victims of Crime in the ACT – A review of the operation of the *Victims of Crime (Financial Assistance) Act 1983* and the Victims Services Scheme" was tabled in the ACT Legislative Assembly on 7 March 2002.

On 17 June 2003 the Government's response to the Dare Report was tabled in the ACT Legislative Assembly.

As a result of Dr Dare's recommendations the Victims of Crime (Financial Assistance) Amendment Bill 2003 (the Bill) was introduced into the Assembly on 28 August 2003. The Bill amends the Act by:

- ⦿ removing the mandatory requirement of reporting a crime to the police as a prerequisite to claiming financial assistance;
- ⦿ raising the cap on legal fees from \$650 to \$800;
- ⦿ removing awards in respect of pain and suffering for police officers, ambulance officers and fire fighters; and
- ⦿ removing awards in respect of pain and suffering for sexual offence victims.

The Bill was referred for inquiry by the Standing Committee on Legal Affairs on 23 October 2003. The terms of reference of the Committee were to inquire into and report on the Bill. Public hearings were conducted in March 2004. The Committee reported in June 2004 and recommended a whole-scale review of the Act, including the role of the Victims Services Scheme and the Victims of Crime Coordinator. The committee also recommended the introduction of a small payments scheme and a legal assistance scheme. A review of the Victims Services Scheme is being undertaken.

## Section 3

Tables and information which include statistical data and analysis

### 3.1 Applications for Financial Assistance under the Act

The following table illustrates the total number of applications lodged for financial assistance for victims of crime within the ACT Magistrates Court, which is the relevant Court since the introduction of the Act.

The pattern of decrease of applications lodged has continued, with a further drop in applications for this financial year.

**Table 1 - Total number of applications lodged**

Reporting Year	Total number of applications lodged
1998 – 1999	651
1999 – 2000	358
2000 – 2001	155
2001 – 2002	133
2002 – 2003	129
2003 - 2004	115
2004 - 2005	105

**Table 2 - Awards made, tabulated by application date 1 July 2004 – 30 June 2005**

Period in which Application Lodged	Total amount awarded	Number of awards
Before 24 June 1998	\$833.00	1
Between 24 June 1998 and 23 December 1999	\$47,143.04	3
From 24 December 1999	\$1,281,513.59	101
TOTAL	\$1,329,489.63	105

### 3.2 Level of Awards under Act

During the financial year the ACT Magistrates Court made 105 awards (including 24 interim awards). This compares with the previous financial year of 95 awards being made (see table 3). In this financial year a total of \$1,329,489.63 was awarded under the Act. The new Act replaced compensation for pain and suffering with special assistance for victims of extremely serious injuries. Police, emergency service personnel and victims of sexual assault are entitled to compensation for pain and suffering. There has been an increase in the average amount awarded to victims this year compared to last year.

**Table 3 - Total amount awarded and number of awards by financial year**

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
Total amount awarded	\$5,547,193.27	\$871,228.11	\$1,345,041.79	\$1,526,484.25	\$1,048,032.07	\$1,329,489.63
Total number of awards	451	76	105	121	95	105

### 3.3 Monetary Amount of Awards

Table 4 provides information on the total number and amounts of awards for the period of 1 July 2004 to 30 June 2005, on a monetary scale that ranges from \$5,000 to over \$30,000. Table 4 shows that the highest number of awards for financial assistance are below \$5,000 with some 48 awards totaling \$102,585.00. However whilst there were only 17 awards in the category above \$30,000 the awards actually totalled \$677,786.50.

**Table 4 - Total amount awarded by size - Period awarded 1 July 2004 – 30 June 2005**

	Number	Amount
Under \$5,000	48	\$102,585.00
\$5,000 - \$9,999	16	\$113,569.11
\$10,000 - \$19,999	15	\$217,711.47
\$20,000 - \$30,000	10	\$252,325.00
Above \$30,000	16	\$643,299.05
TOTAL	105	\$1,329,489.63

### 3.4 Awards – Examples of Expenses

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.
- ⊙ home alarm system.
- ⊙ remedial massage, hydrotherapy and counselling.

### 3.5 Awards – Type of Crime

Table 5 relates to awards for financial assistance for particular types of crimes and the number of awards for this financial year. The total award for financial assistance is then broken down into components for pain and suffering; the average for pain and suffering and the average award determined.

**Table 5 - Awards by type of crime**

Crime	No. of awards 2004 - 2005	Pain and suffering	Total award	Pain and suffering as a % percentage of the total	Average award
Armed Robbery	3	0	\$13,842.49	0%	\$4,614
Assault	54	\$26,300.00	\$384,692.68	7%	\$7,123
Assault and Rob	2	0	\$20,756.83	0%	\$10,378
Attempting to effect an arrest	6	\$75,000.00	\$78,202.70	96%	\$13,033
Attempting to Restrain	1	\$2,500.00	\$2,570.00	97%	\$2,570
Death of a Related Victim	2	0	\$50,000.00	0%	\$25,000
Dog Bite	1	0	\$6,000.00	0%	\$6,000
Domestic Violence	6	0	\$33,468.41	0%	\$5,578
Home Invasion	2	0	\$4,110.35	0%	\$2,055
Nightclub/Pub/Tavern Etc Assault	1	0	\$3,539.00	0%	\$3,539
Other	6	\$33,000.00	\$110,886.99	30%	\$18,481
Sexual Assault	21	\$553,381.97	\$621,420.18	89%	\$29,591
TOTAL	105	\$690,181.97	\$1,329,489.63	52%	\$12,661

### 3.6 Awards – Occupation of Applicant

The following table shows the occupation and number of applicants who have applied for financial assistance under the Act. Applicants are asked to include their occupation on the application. However, some applicants have chosen not to provide this information, and that has resulted in a category described as “not known”.

Of course, only people employed in certain occupations are eligible to receive an award for pain and suffering (section 10 of the Act – police officers, ambulance officers and firefighters) without having to establish that the victim suffered an “extremely serious injury” (section 11 of the Act). The table below shows that there were 13 applications lodged by this group out of the total number of applications.

The table shows that apart from the group where the occupation is not known, the occupations that filed the most applications are police officers and students and that pain and suffering comprised 96% and 48% of the total awards respectively.

Table 6 also shows the total award provided for each application against the applicants’ occupation. The total amount awarded for each occupation type, together with the percentage of the total which represented pain and suffering (when applicable) is also shown.

**Table 6 - Awards by occupation**

Occupation	No. of awards (2004 – 2005)	Pain and suffering	Total award	Pain and suffering as a percentage of the total	Average award
Administrative Assistant	5	15,000.00	\$41,125.44	36%	\$8,225
Bank Teller/Officer	3	.00	\$7,684.20	0%	\$2,561
Child	10	\$142,000.00	\$253,961.47	56%	\$25,396
Child Care Worker	1	\$35,000.00	\$35,537.00	98%	\$35,537
Computer Consultant	2	.00	\$3,101.95	0%	\$1,550
Console Operator	1	.00	\$3,556.48	0%	\$3,556
Home Duties	2	\$40,000.00	\$54,261.60	74%	\$27,130
Hospitality Worker	3	.00	\$8,323.06	0%	\$2,774
Not Known	25	\$133,808.00	\$345,506.45	39%	\$13,820
Nurse	1	\$23,000.00	\$25,081.00	92%	\$25,081
Police Officer	13	\$119,800.00	\$124,581.70	96%	\$9,583
Public Servant	6	\$47,000.00	\$74,429.96	63%	\$12,404
Sales Person	4	.00	\$60,334.83	0%	\$12,404
School Teacher	1	.00	\$3,240.90	0%	\$3,240
Self Employed	5	.00	\$15,499.68	0%	\$3,099
Student	12	\$104,073.97	\$183,006.97	57%	\$15,250
Taxi Driver	1	.00	\$8,486.52	0%	\$8,486
Tradesman	5	.00	\$37,643.12	0%	\$7,528
Unemployed	5	\$30,500.00	\$44,127.30	69%	\$8,825
<b>TOTAL</b>	<b>105</b>	<b>\$690,181.97</b>	<b>\$1,329,489.63</b>	<b>52%</b>	<b>\$12,661</b>



### 3.7 Awards – Location of Crime

Table 7 shows the awards made, separated as to where the crime was committed. The following shows that the most common location of crime being committed was in the home. Once again, a large number of crimes were also committed on the street and at nightclubs/bars. The category “others” includes applications where the applicant has chosen not to provide this information.

**Table 7** - Awards categorised by location of crime site

Location	No. of awards 2004 - 2005	Pain and suffering	Total award	Pain and suffering as a percentage of the total	Average award
Unknown	5	.00	\$109,239.60	0%	\$21,847
Carpark	3	\$66,314.97	\$98,562.55	67%	\$32,854
Home	35	\$254,308.00	\$498,862.00	51%	\$14,253
Motel/Hotel	1	\$30,000.00	\$33,940.00	88%	\$33,940
Nightclub/Bar	15	\$12,000.00	\$125,907.48	10%	\$8,393
Other	8	\$133,000.00	\$178,901.50	74%	\$22,362
School	3	\$28,000.00	\$30,202.15	93%	\$10,067
Street	25	\$118,759.00	\$191,239.16	62%	\$7,649
Workplace	10	\$47,800.00	\$62,635.19	76%	\$6,263
TOTAL	105	\$690,181.97	\$1,329,489.63	51%	\$12,747

### 3.8 Gender of Victim

The gender of applicants who have lodged applications under the Act are 61 females and 44 males. The gender of the perpetrator of the crime against the victim is not available.

### 4.1 Brief summaries of the facts and circumstances of each individual award made during the financial year being 2004-2005

#### Magistrates Court

NUMBER		TOTAL AWARD	DATE OF AWARD
97/53	The applicant to this matter was awarded \$23,619.95 on 22 September 1997 as a result of an assault (refer to Annual Report 1997-1998). A further award of \$833.00 was made for dental work.	\$833.00	12/5/05
99/133	A female person was assaulted by a group of male and female youths and suffered injury including cuts to her face, a broken nose, jaw and cheekbone, and psychological injury. A female youth pleaded guilty to assaulting the applicant. The other assailants had not been located. The applicant was awarded \$18,000 for pain and suffering.	\$24,372.64	18/4/05
99/440	A male person was assaulted and suffered injury including a black eye, and a broken jaw in two places requiring surgery. A male person was convicted of assault occasioning actual bodily harm and ordered to undertake 208 hours of unpaid community service work. The applicant was awarded \$15,000 for pain and suffering.	\$16,770.40	1/11/04
99/458	The applicant to this matter was awarded an interim amount on 9 May 2000 as a result of a dog attack (refer to Annual Report 1999-2000). The applicant was awarded \$5,274.54 for pain and suffering.	\$6,000.00	18/1/05

00/36	A female youth was raped by a male person and suffered psychological injury. The applicant was awarded \$32,000 for pain and suffering.	\$32,090.00	11/3/05
00/75	The applicant to this matter was awarded an interim amount on 6 November 2000 as a result of a sexual assault (refer to Annual Report 1999-2000). The applicant was awarded \$40,000 for pain and suffering.	\$41,881.60	27/4/05
01/14	A male police officer suffered injury whilst attempting to arrest a male offender. The applicant suffered injury to the ankle, shoulder, neck upper body and legs. He also suffered psychological injury. The applicant was awarded \$9,000 for pain and suffering.	\$9,239.00	29/11/04
01/25	A male person was assaulted and suffered injury including a puncture wound to the chest and deep lacerations to the arms. A female person was charged with offences relating to the incident.	\$606.70	13/8/04
01/41	A female person was assaulted and suffered injury including lacerations to the neck, throat, chest and arms. A female person was charged and convicted of offences relating to the incident.	\$463.00	20/7/04
01/56	The applicant to this matter was awarded interim amounts on 17 September 2001 and 18 March 2004 as a result of a sexual assault (refer to Annual Report 2001-2002 and Annual Report 2003-2004). The applicant was awarded \$30,000 for pain and suffering.	\$33,940.00	17/9/04
01/108	A male person was assaulted and suffered injury including stabbing, nerve damage and scarring to the left arm. The offender was not located.	\$227.00	20/9/04
02/7	A female youth was sexually assaulted, and suffered severe psychological injury. A male person was convicted of an offence and was sentenced to 6 years imprisonment with a non-parole period of 2.5 years. The applicant was awarded \$36,314.97 for pain and suffering.	\$50,000.00	17/5/05
02/9	A male police officer was assaulted whilst attempting to arrest a male offender and suffered injury to his head, shoulders and neck, headache and severe psychological injury. The applicant was awarded \$30,000 for pain and suffering.	\$32,302.00	8/6/05
02/19	A female person was physically and sexually assaulted on several occasions and suffered injury including bruises and lacerations to the body and face region. The applicant was awarded \$23,000 for pain and suffering.	\$24,260.66	17/2/05
02/25	A male person was assaulted by a large group of males and suffered injury including 4 fractures to the skull, bruising to the arm, hand and ribs, and 2 black eyes.	\$8,850.95	11/8/04
02/42	The applicant to this matter was awarded an interim amount on 3 June 2002 as a result of an assault (refer to Annual Report 2001-2002). A final award was made.	\$1,210.00	12/8/04
02/55	The applicant to this matter was awarded \$483 on 31 December 2002 as a result of an assault (refer to Annual Report 2001-2002). That award was varied to include dental expenses to be incurred by the applicant.	\$6,789.00	3/3/05
02/58	A male person was assaulted and suffered bruising to his upper body, neck injury, and wrist and ankle pain.	\$1,525.35	25/1/05
02/67	A female child was sexually assaulted and suffered serious psychological injuries. The applicant was awarded \$25,000 for pain and suffering.	\$26,628.70	19/7/04
02/84	A male youth was sexually assaulted and suffered severe psychological injury resulting in clinical personality disorder. An interim award was made.	\$25,394.00	2/8/04
02/88	A male person was assaulted and suffered injury including fractures and lacerations to the face, bruising, injury to the sinus and scarring of the face. Two male persons were convicted of offences relating to the incident. The applicant was awarded \$22,000 for pain and suffering.	\$23,473.00	13/9/04
02/97	The applicant to this matter was awarded interim amounts on 31 December 2002 and 24 October 2003 as a result of an assault (refer to Annual Report 2002-2003 and Annual Report 2003/2004). A further interim award was made.	\$3,539.00	4/4/05
02/100	The applicant to this matter was awarded interim amounts on 31 December 2002, 14 June 2003 and 3 March 2004 as a result of an assault (refer to Annual Report 2002-2003 and Annual Report 2003-2004). A further interim award was made.	\$2,016.92	3/3/05
02/117	The applicant to this matter was awarded interim amounts on 9 December 2002, 3 November 2003 and 8 March 2004 as a result of an assault (refer to Annual Report 2002-2003 and Annual Report 2003-2004). A final award was made.	\$8,486.52	9/8/04

02/131	A male person was assaulted and suffered injury including laceration to the chin, bleeding to the gum, compound fracture of the mandible and fracture of teeth. The male offender was convicted of an offence in relation to the incident. The applicant was awarded \$15,000 for pain and suffering.	\$15,000.00	25/2/05
03/1	A male police officer was injured whilst attempting to arrest a male offender. He suffered injury to his pelvis and hip causing difficulty walking and running and pain aggravated by activity. The male offender was convicted of offences in relation to the incident. The applicant was awarded \$7,000 for pain and suffering.	\$7,332.79	29/11/04
03/2	A male person was assaulted and suffered injury including lacerations to the top of the head and eye requiring stitching, and shock.	\$8,924.00	6/4/05
03/12	A male police officer was injured whilst attempting to restrain a male offender. He suffered injury to his forearm including scratches, abrasions and lacerations requiring the need to undergo testing for Hepatitis and HIV, as well as psychological injury. The applicant was awarded \$2,300 for pain and suffering.	\$2,425.00	1/9/04
03/14	The applicant to this matter was awarded an amount on 11 September 2003 as the result of an assault. A further award was made.	\$5,121.71	4/4/05
03/33	A female youth was sexually assaulted on a number of occasions and suffered psychological injury. The applicant was awarded \$40,000 for pain and suffering.	\$43,067.00	18/5/05
03/35	A female youth was sexually assaulted by a male over a period of several years and suffered psychological injury. A male person was charged in relation to the incidents. The applicant was awarded \$35,000 for pain and suffering.	\$35,537.00	29/11/04
03/41	The applicant to this matter was awarded an interim amount on 26 May 2004 (refer to Annual Report 2003-2004). A final award was made.	\$3,935.00	17/6/05
03/45	A female person was sexually assaulted by her father on several occasions and suffered psychological injury. A male person was convicted of offences relating to the incidents. The applicant was awarded \$30,500 for pain and suffering.	\$31,067.60	16/2/05
03/68	A male person was assaulted and suffered head injury, concussion and severe and permanent scarring to the side of his face. The male offender was convicted in the Supreme Court and given a suspended sentence.	\$34,487.45	9/3/05
03/73	The applicant to this matter was awarded an interim amount on 20 January 2004 (refer to Annual Report 2003-2004). The applicant was awarded \$30,000 for pain and suffering.	\$39,711.70	15/11/04
03/77	A male person was assaulted and kidnapped by several persons and suffered injury including head trauma, stabbing to the upper leg and psychological injury requiring counselling. Charges were laid in relation to the incident.	\$1,205.00	6/6/05
03/78	A female person was sexually and physically assaulted by two males and suffered psychological injury including depression, anxiety and fear. Two male persons were convicted after pleading guilty to offences relating to the assault. The applicant was awarded \$28,000 for pain and suffering.	\$28,000.00	9/7/04
03/101	A male police officer suffered injury whilst attempting to arrest a male offender. The applicant's right shoulder was dislocated and he suffered bruising and abrasions to his chin, jaw, and lower back. He also suffered psychological injury. The offender was charged with offences relating to the incident. The applicant was awarded \$25,000 for pain and suffering.	\$25,115.00	30/8/04
03/110	A female person was assaulted and suffered injury to her eye and psychological injury requiring her to relocate. A male person was charged with offences including assault and breaching a domestic violence order.	\$4,349.00	30/8/04
03/112	A young male person was sexually assaulted and suffered injury including shock, anxiety, post traumatic stress disorder, disturbed sleep, nightmares and other psychological injury. The applicant was awarded \$15,000 for pain and suffering.	\$16,703.00	13/10/04
03/114	A male police officer suffered injury whilst attempting to arrest a male offender. The applicant suffered injury to the left eye including bruising and abrasions, blurred vision, and headache. The applicant was awarded \$2,000 for pain and suffering.	\$2,059.00	1/9/04

04/3	A male police officer suffered injury whilst attempting to restrain a male offender. The applicant suffered a laceration to the eyebrow, bruising and swelling to the eye, headaches and psychological injury. The applicant was awarded \$3,000 for pain and suffering.	\$3,059.00	25/1/05
04/5	The female applicant was a related victim of a serious crime and suffered financial loss as a consequence. The applicant was also awarded \$30,000 for special assistance.	\$43,608.90	11/1/05
04/6	A male firefighter was injured whilst attempting to restrain the occupant of a house that was on fire. The applicant suffered a torn medial cartilage in his left knee requiring reconstructive surgery. The applicant was awarded \$17,000 for pain and suffering.	\$17,000.00	30/8/04
04/8	A female person suffered financial loss as a person responsible for the maintenance of a victim of assault. The primary victim suffered physical injury and has suffered ongoing emotional and mental injury. An interim award was made.	\$12,380.00	23/9/04
04/9	The male applicant was a related victim of a serious crime and suffered financial loss as a consequence. The applicant was also awarded \$15,000 for special assistance.	\$25,000.00	8/2/05
04/10	The female applicant was a related victim of a serious crime and suffered financial loss as a consequence. The applicant was also awarded \$15,000 for special assistance.	\$25,000.00	8/2/05
04/11	A male police officer was injured whilst attempting to restrain a male offender. The applicant suffered hyperextension injury to the left thumb, impaction fracture of the scaphoid bone, ruptured ligament and synovitis in the left wrist. The applicant was awarded \$12,000 for pain and suffering.	\$12,171.00	24/9/04
04/12	A female police officer was injured whilst investigating an incident. The applicant suffered a cut to the left middle finger and psychological injury. The applicant was awarded \$4,000 for pain and suffering.	\$4,235.00	11/10/04
04/14	A male person was assaulted and suffered injury including a broken arm, swelling and bruising. The offender was not identified. Interim orders were made.	\$1,155.00 \$1,650.00	9/9/04 27/4/05
04/15	A male person was assaulted and suffered a broken nose, black eye and swelling to the eye and nose area. The male offender was not identified.	\$836.30	1/12/04
04/16	A female youth was sexually assaulted by two male youths and suffered severe psychological injury. The applicant was awarded \$39,759 for pain and suffering.	\$50,000	28/9/04
04/18	A male person suffered financial loss as a person responsible for the maintenance of a victim of a sexual assault.	\$5,603.85	9/7/04
04/21	A male person was assaulted and suffered injury including the loss of a tooth, grazing to his back and thighs, and a split lip.	\$6,949.00	24/8/04
04/25	A male person was assaulted and suffered injury including a laceration to the head, a bruised eye and a cut lip. The offender was not identified.	\$1,663.20	2/9/04
04/26	A female person was assaulted and suffered a broken nose and two black eyes. Interim awards were made.	\$1,048.00 \$4224.00	15/9/04 25/1/05
04/27	A male police officer suffered injury when he was assaulted whilst approaching a male suspect. The applicant suffered injury to the mouth and teeth including the loss of a tooth, laceration to the lip and psychological injury. A male person was convicted of an offence relating to the incident. The applicant was awarded \$12,000 for pain and suffering.	\$12,677.00	16/11/04
04/28	A male person was assaulted and suffered a broken tooth that required replacement. The offender was not identified.	\$5,767.00	2/9/04
04/29	A male youth was assaulted by a group of males and suffered injury including black eyes, the loss of three teeth, bruising, swelling and lacerations to the face. The offenders were not identified.	\$11,380.00	11/1/05
04/30	A female person was sexually assaulted and suffered psychological injury. The applicant was awarded \$23,000 for pain and suffering.	\$25,081.00	12/11/04
04/31	The applicant to this matter was a person responsible for the maintenance of a male person who was assaulted by two male persons causing injury including fractures to the cheek bone requiring surgery. The offenders were not identified.	\$1,408.85	6/8/04
04/33	A female person was assaulted and suffered a broken wrist requiring the implant of a pin, and shoulder injury. An interim award was made.	\$3,240.90	17/8/04
04/40	A female youth was sexually assaulted and suffered psychological injury. The applicant was awarded \$50,000 for pain and suffering.	\$50,000.0	8/3/05

04/41	A male person was assaulted and suffered injury including a head wound requiring stitches and resulting in permanent scarring, bruising, swelling, hearing loss, and damage to his nose resulting in breathing difficulties. An interim award was made.	\$13,360.00	30/8/04
04/42	A female youth was sexually assaulted and suffered psychological injury. The applicant was awarded \$35,000 for pain and suffering.	\$35,000.00	8/3/05
04/43	The applicant to this matter was a person responsible for the maintenance of two female youths who were sexually assaulted by two male persons causing psychological injury and the requirement to move premises due to continued threats by the male persons.	\$8,478.09	21/2/05
04/44	The applicant to this matter was a person responsible for the maintenance of a male youth who was assaulted and suffered injury including a broken nose, bruising to the face and inside ear, soft tissue damage to the jaw and dental injuries. An interim award was made.	\$1,902.15	11/8/04
04/47	A male police officer was injured whilst attempting to arrest a male person. The applicant was bitten and suffered injury to his thigh including bruising and abrasions, and psychological injury. The applicant was awarded \$3,000 for pain and suffering.	\$3,062.00	28/9/04
04/48	A female person suffered a home invasion by her ex partner who attempted to kidnap her children. After being in custody for 6 months, the offender was released and placed on recognizance. He breached his recognizance and whilst at large, continued to stalk the applicant causing the applicant to require additional security to her home.	\$16,105.00	1/11/04
04/49	A female person was threatened and stalked by a male who subsequently broke into her premises and damaged her property, requiring her to change locks at the premises and eventually relocate to a premises unknown to the offender. A male person was charged with various offences relating to the incident but no evidence was offered and the charges were dismissed.	\$3,484.60	10/12/04
04/50	A female person was allegedly assaulted by a male person and suffered injury including laceration to her lip requiring stitches, bruising, broken tooth, muscle damage to neck and shoulder and psychological injury. A male person was charged with offences relating to the incident but the charges were dismissed.	\$5,192.06	20/5/05
04/51	A male person was assaulted by a group of youths and suffered injury including cuts and abrasions to his nose, bruising to his face, torso and legs, headaches and shock. Two male youths were charged with offences relating to the incident and were placed on good behaviour bonds.	\$1,722.50	8/3/05
04/53	A female person was assaulted on two occasions by a group of females and suffered injury including facial bruising and bleeding, headaches, shock, hair loss, soreness and pain, and psychological injury. An interim award was made.	\$4,229.00	16/3/05
04/55	A male person was assaulted by several males and suffered injury including the dislodgement of two front teeth requiring ongoing dental work, and cuts and abrasions to lips requiring stitching. The male offenders were not identified.	\$2,268.95	12/11/04
04/57	The applicant was frequently sexually abused as a young child by a male person and suffered psychological injuries and post-traumatic stress disorder. The applicant was awarded \$48,808 for pain and suffering.	\$50,000.00	1/12/04
04/60	A male person was assaulted and suffered damage to his tooth requiring ongoing maintenance by a dentist and possible replacement. An interim award was made.	\$1,921.00	18/2/05
04/61	A female person was sexually assaulted by her former partner and suffered injury including physical and mental distress. The applicant was awarded \$15,000 for pain and suffering.	\$3,451.00 \$15,000.00	10/11/04 3/3/05
04/66	A female person was sexually assaulted by a male person and stalked by another male person. She suffered severe psychological injury. No action was taken against the male person who sexually assaulted the applicant. A male person was convicted of breaching a restraining order. The applicant was awarded \$40,000 for pain and suffering.	\$40,605.80	16/5/05
04/69	The applicant to this matter was a person responsible for the maintenance of a female youth who was sexually assaulted by a male person causing psychological injury.	\$4,181.60	17/11/04
04/73	A male person was assaulted and suffered injury including soft tissue injuries to his arms and back, swelling and lacerations to his right eye and facial area, and bruising and abrasions to his head. The male offender was not identified.	\$2,159.37	3/3/05

04/74	A female person was threatened by her former husband who also damaged her car and home. He subsequently breached a protection order by attending at the applicant's premises and hiding in her yard. The applicant suffered fear of going out, sleeplessness, inability to eat and lack of trust.	\$3,556.48	25/11/04
04/76	A male person was assaulted during a robbery and suffered injury including severe lacerations to the scalp, shoulder, abdomen, liver and hands, as well as psychological injury. A male person was charged with offences relating to the incident. An interim award was made.	\$10,894.68	13/4/05
04/79	A female person was held up in a robbery and witness to severe assaults on other persons. She suffered injury including anxiety, panic attacks and insomnia. A male person was charged with offences relating to the incident.	\$1,447.81	10/3/05
04/80	The applicant to this matter was a person responsible for the maintenance of a male person who was assaulted during robbery (refer 04/76). An interim award was made.	\$1,500.00	13/4/05
04/81	A male person was assaulted after a home invasion by a male and two female offenders. The applicant suffered injury including cuts to his arm and head and he feared for his future safety requiring the installation of additional security to his home.	\$2,905.35	21/2/05
04/82	A male person was assaulted by a group of youths and suffered injury including chipped teeth, cuts to the face requiring stitches, back pain and anxiety. Two male youths were convicted of offences relating to the incident. An interim award was made.	\$7,450.00	20/1/05
04/83	A female person was assaulted by another female, causing her to suffer headaches, nausea and dizziness. An interim award was made.	\$300.00	1/12/04
04/86	A male person was assaulted by an unknown male and suffered cuts to the back of his head requiring stitches, and a stab wound beneath his shoulder blade causing the collapse of his right lung.	\$1,685.00	22/2/05
04/87	A male police officer was injured whilst attempting to restrain a male person. The applicant was spat upon with spit landing in his eye and mouth, causing him anxiety, stress and fear of contracting an infectious disease. The applicant was awarded \$2,500 for pain and suffering.	\$2,570.00	17/6/05
04/89	The applicant to this matter was a person responsible for the maintenance of a female youth who was sexually assaulted and subsequently relocated the family interstate. A male youth was charged with offences relating to the incident. An interim award was made.	\$4,476.13	27/5/05
04/91	A female person was assaulted and suffered two stab wounds to the head, one stab wound to the chest and a broken leg. A male person was charged with offences relating to the incident and committed to the Supreme Court for trial. An interim award was made.	\$3,103.33	11/5/05
04/92	The applicant to this matter was a person responsible for the maintenance of a female person who was assaulted (refer to 04/91). An interim award was made.	\$17,653.50	
04/93	A female police officer was injured whilst apprehending a male person. She suffered injury to her right thumb and psychological injury. The applicant was awarded \$8,000 for pain and suffering.	\$8,335.00	25/5/05
04/94	A female person was stalked by her ex husband who also destroyed property in her house. She suffered fear and anxiety, sleeplessness, stress related sores and a requirement to move house.	\$5,050.33	22/4/05
04/96	A female person was assaulted and stalked by her estranged husband and suffered injury including bruising to her chest, arms and leg, cuts to her arms and mental trauma.	\$17,402.44	12/5/05
05/1	A female youth was assaulted and suffered cuts and lacerations to her face, grazing to the hand, bruising to the leg, anxiety, and property damage.	\$1,012.97	24/5/05
05/06	A female person was sexually assaulted by a male person who also stole her wallet and credit card. She required time away from her employment causing loss of wages.	\$1,713.62	21/2/05
05/13	A female person was assaulted and suffered injury including swelling and cuts to her forehead and thigh.	\$254.00	7/3/05

05/14	The applicant to this matter was a person responsible for the maintenance of a male youth who was assaulted and suffered a bleeding nose and lip, and a chipped tooth.	\$1,740.00	11/4/05
05/21	A male person was assaulted and suffered injury including a torn tendon in the shoulder requiring surgery and a sore cheek. The applicant was unable to work for several months after the assault.	\$13,214.45	27/4/05
05/22	A male person was assaulted and suffered a broken cheek bone requiring surgery. The offender was not identified.	\$713.32	6/5/05
05/27	A male youth was assaulted and suffered injury including damage to a tooth and orthodontic braces, and abrasions and lacerations to the lip.	\$240.00	18/4/05

## Supreme Court

MATTER NUMBER		TOTAL AWARD	DATE OF AWARD
97/298	The applicant was diagnosed as suffering a major depressive episode as a result of the murder/suicide of his parents.	5,723.00	27.10.04
97/299	The applicant was diagnosed as suffering a separation anxiety disorder as a consequence of the murder/suicide of his parents.	5,723.00	27.10.04
97/300	The applicant's sister was murdered. The applicant was diagnosed as suffering from a major depressive disorder caused by this event.	40,598.00	27.10.04
98/329	The applicant was assaulted when leaving a cinema in the company of friends. She was hit in the right side of the face receiving a cut to her nose and ear which required stitches.	5,100.00	25.08.04
99/63	A female person was assaulted while sitting in Garema Place. She was pushed off her seat and kicked on the ground. She received a cut to her eye requiring stitches and other abrasions and cuts to her body.	3,208.00	13.04.05
99/343	The applicant's son received a fatal stab wound. An award was made in respect of expenses (funeral expenses) incurred by the father.	6,660.00	11.11.04
99/350	The applicant was punched in the face prior to the commencement of a football game. He received injuries which required significant dental treatment.	12,391.00	24.11.04
99/363	The applicant had no recollection of an incident when he was found unconscious on the pavement outside a nightclub. His head injuries were consistent with an assault.	3,098.00	09.02.05
99/386	The applicant received burns to his buttocks when he sat down on an underpass. The injuries he received were consistent with acid having been put on the ledge. His burns resulted in scarring.	15,473.00	25.05.05
99/445	The applicant was the victim of a home invasion. He received physical injuries to his arm and wrist. The incident had a significant psychological effect on the applicant.	47,577.00	09.07.04
99/490	The applicant, a bank teller, was diagnosed as suffering from acute stress disorder and adjustment disorder as a result of an armed robbery.	15,096.00	06.10.04
99/497	The applicant was assaulted whilst at school. She received injuries to her head and leg.	4,883.50	07.07.04
99/505	The applicant was the victim of an armed robbery at a supermarket. She was diagnosed as suffering from post traumatic stress disorder and major depressive episode.	10,248.00	13.04.05
99/529	The applicant was assaulted at a nightclub. He received medical treatment for swelling to his nose, bruising to his eyes and damage to his teeth.	2,000.00	20.04.05
99/531	The applicant was assaulted at the casino. He received injuries to his eyes and nose and was treated for concussion.	3,456.80	30.03.05