



Victims of Crime Support Program

ANNUAL REPORT 2009–2010



Victims of Crime Support Program

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Friday, 17 September 2010

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

Dear Mr Corbell

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

I hereby certify that the attached report is an honest and accurate account and that all material information on the operations of the Victims of Crime Coordinator during the period 1 July 2009 to 30 June 2010 has been included and that it complies with the Chief Minister's Annual Report Directions.

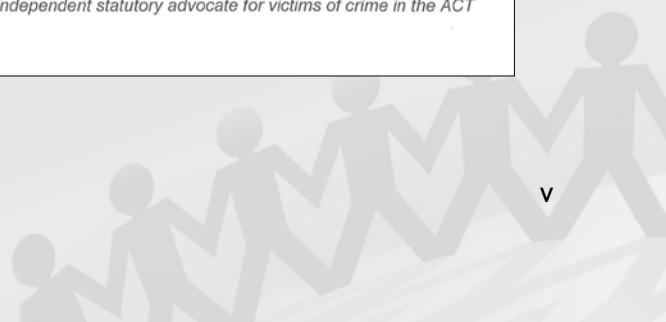
I also hereby certify that fraud prevention has been managed in accordance with Public Sector Management Standard 2, Part 2.4.

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

Yours sincerely

Robyn Holder
VICTIMS OF CRIME COORDINATOR

An independent statutory advocate for victims of crime in the ACT



Abbreviations and Acronyms

AFP	Australian Federal Police (ACT Policing)
AIC	Australian Institute of Criminology
ANU	Australian National University
CRCC	Canberra Rape Crisis Centre
DPP	Director of Public Prosecutions
DVCS	Domestic Violence Crisis Service
DVPC	Domestic Violence Prevention Council
DVC	Domestic Violence Coordinator
FVIP	Family Violence Intervention Program
HRA	<i>Human Rights Act 2004</i>
HRCA	<i>Human Rights Commission Act 2005</i>
JACS	Department of Justice and Community Safety
PAA	<i>Public Advocate Act 2005</i>
UN	United Nations
VOCA	<i>Victims of Crime Act 1994</i>
VOCAL	Victims of Crime Assistance League (ACT)
VoCC	Victims of Crime Coordinator
VSACT	Victim Support ACT
VSS	Victims Services Scheme



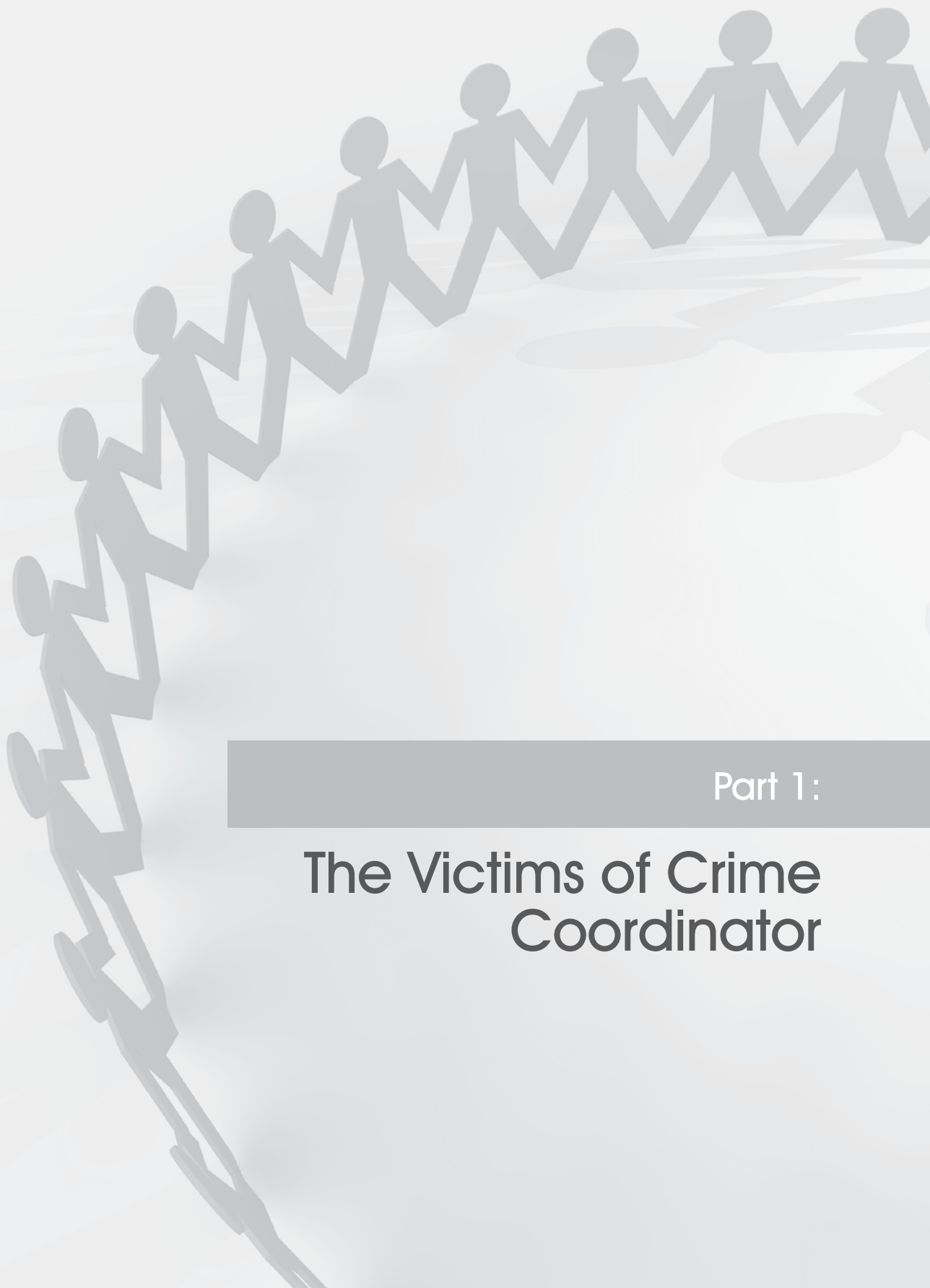
INTRODUCTION

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

PART 1: Victims of Crime Coordinator

PART 2: Victim Support ACT

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



Part 1:

The Victims of Crime Coordinator

SECTION A: PERFORMANCE AND FINANCIAL MANAGEMENT REPORTING

A.1 Organisation

The Victims of Crime Co-ordinator (VoCC) is an independent statutory appointment of the ACT Attorney-General. The position is established pursuant to section 14 of the *Victims of Crime Act 1994*. It is based in and supported by Victim Support ACT, an agency of the Department of Justice & Community Safety.

Mission:

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

Values:

Integrity, independence, trustworthiness, persistence, and effectiveness.

Key objectives of the VoCC are to:

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

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

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

Over the reporting period, Mr John Hinchey performed the role of Acting VoCC from May 2009 to April 2010. His calm professionalism and commitment to the protection and advancement of victims' rights is commended and appreciated.

A.2 Overview

Legislative Protection for Victims of Crime

The *Victims of Crime Act 1994* sets out Governing Principles for the Treatment of Victims of Crime. These are sometimes called 'victims' rights'. These rights apply only with regard to agencies in the administration of justice.

The ACT was the first Australian jurisdiction to create a mechanism for independent statutory protection of these rights. In particular, the position of the VoCC was established. Central to this statutory protection is that it:

- Is independent,
- Is specialised existing only for victims of crime in the administration of justice,
- It is transparent, and
- Has a specific power to investigate allegations of breaches of the Act and report to the Attorney General (section 9 of the *Victims of Crime Act 1994*).

In addition to the investigative power to protect victims' rights, the VoCC has further powers being:

- Entitlement to attend criminal proceedings (s8).
- Investigation report to be provided to the Minister (s9(3))
- Secrecy of protected information (s11).
- Disclosure of information (s12)
- Opportunity for critical comment to be answered by a person (s12(2))
- Making an independent annual report.

Legislative protection for victims of crime evolved in the ACT to address the "*traditional inequality and imbalance that victims have felt in relation to their position in the criminal justice system.*"¹ The legislative framework derives its authority from the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

In 2008 the VoCC published a report on the operation of the *Victims of Crime Act* from 1994-2007 entitled, *The Quality of Justice*. The report documented the range of problems, concerns and complaints from over 4000 contacts with members of the ACT community. It discussed areas of helpful and areas of unhelpful actions

1 Terry Connolly MLA, Attorney General, Tabling Speech, Hansard, 10th November 1994, pp.4023-4024.

and inactions from justice agencies arising from these contacts. The report further described the measures taken to assist resolution and the difficulties involved in undertaking investigative and other action.

The specific problem with the existing investigative, determination and reporting powers is that the legislation did not provide detail on any of these processes. The investigation process implemented by the VoCC, published in prior Annual Reports, was adapted from procedures employed by the Ombudsman. However, agencies had come to view VoCC intervention with some confusion if not hostility.

A further problem was that, following an investigation and the provision of a report to the Minister, there was no statutory provision guiding Ministerial action. It was unclear whether investigative reports resulted in any substantive action. Thus the effectiveness of the reports as in stimulating change was limited. Future options for Ministerial action could include tabling in the Assembly, directions to the agency complained of and remedies to the complainant.

Review of Legislative Rights and Protection

In November 2007 a review of the *Victims of Crime Act 1994* was announced by the ACT Government and, in June 2008, an Issues Paper was published by the Department of Justice & Community Safety. The VoCC provided a submission to the Issues Paper.

In addition a consultation was conducted by the VoCC with victims of crime on their experiences with the legislation and sought their views on ways their interests could be better represented (August 2008). Further advice was provided to the Minister in March 2009 being *Options for Rights Protection*. In addition, over the reporting period further submission and comment were provided to the Minister and the Officer Reference Group by the Acting VoCC in March 2010.

Unfortunately, the primary objective of extending and strengthening the rights themselves did not eventuate over the reporting period.

Legislative reform instead shifted to focus on the powers (or lack thereof) of the VoCC (including the investigative power), and a perceived conflict of interest in governance arrangements (see Appendix A p.22).

In submissions, the VoCC commented that:

- There be greater clarity and specificity to the rights allocated to victims— as well as the rights being expanded and strengthened.
- There be specific provisions for the investigation & determination of an allegation that would enable rights protection from within the one-stop shop arrangement.

- The Ombudsman was not a rights protection entity but rather one that considers conduct and practice from an administrative perspective. Moreover, there were no specific reporting requirements on the Ombudsman such that victims' concerns and complaints would remain transparent to Government or to the public.
- Without a specialised rights protection entity with sufficient powers, the ACT would return to a self regulation framework.
- Should the investigative power be removed from the VoCC then 'safety net' provisions be legislated that required specific annual reporting by agencies engaged in the administration of justice and provided for systemic or own motion review.
- There be a specific provision to publish in a single publication (as has been done by the VoCC) an overview of the problems, concerns and complaints raised by victims about their treatment in the administration of justice.

The VoCC further noted that victims had always had the option to make a complaint about their treatment to one or more of the existing complaints bodies being the Ombudsman, or the Human Rights Commission.

Over the review period, claims were made that the co-location of the statutory officer with the administrative service known as Victim Support ACT potentially raised a conflict of interest. However, no case involving an actual conflict of interest was raised. Also no analysis was provided to show precisely where, in the legislative framework, such a perceived conflict existed. Nonetheless, the VoCC provided detailed submission on the different areas of perceived conflict of interest (Appendix A).

The expansion and strengthening of victims rights themselves remains a priority for the VoCC in the upcoming year. In particular (but not limited to) that:

- The governing principles be designated as rights including that they be made actionable in some manner.
- There be greater specificity of the rights.
- There be a right to consultation in relation to certain decision-making points in the justice system rather than simply the provision of information about a decision.
- There is greater clarity to victims' rights to particular types of information and in a timely and routine manner.
- Victims have a right to services to enable recovery from the effects of crime.
- Victims' rights in justice proceedings such as the civil, coroners, juvenile and mental health jurisdictions be specified.
- There be consequences upon a breach of the rights. At a minimum there should be an apology.
- The proposed Commissioner has specified powers to enable advocacy in ensuring people's rights are respected.

- The proposed Commissioner have a power to intervene in certain proceedings in relation to the protection of victims' rights.

A Proposed Commissioner

Arising out of the reform process was the proposal for a Victims of Crime Commissioner. The VoCC commented that there were many reasons to commend a change in name to the statutory position and to expand the functions.

The VoCC also stressed in the review process and in submissions that the additional functions required appropriate resourcing unless they were to detract from existing provision. It is relevant therefore to recall that past Annual Reports of the VoCC argued strongly that the lack of resources severely restricted capacity to perform existing statutory functions.

The combination of rights protection and service delivery functions performed since 2007 have not ameliorated this fundamental resource problem. In fact, it has exacerbated it.

Of particular concern is that the reform should provide a clear set of powers for the proposed Commissioner and have independence recognised. The existing statutory position had been hampered by a lack of specificity as to its powers. This had come to generate a considerable degree of unnecessary tension and confusion between the statutory officer and some of the agencies engaged in the administration of justice. It was therefore strongly recommended that the proposed Commissioner have powers (similar to other statutory officers) to:

- Appear, to represent or to intervene in legal proceedings (s8 VOCA, s10b and c PAA & s36 HRA)
- Listen to concerns from victims (s11(1)a PAA & HRCA)
- Request information relevant to conduct/execution of functions from agencies and agencies to comply (s6 and s9(2) VOCA, s73 HRCA, WA VOCA)
- Secrecy provisions to information & information exchange (s11 VOCA, s12 VOCA: s99 HRA)
- Engage legal services (s13 PAA)
- Establish advisory & other committees (s19c HRCA)
- Conduct joint enquiries
- Be prompt & efficient (s45 HRCA)
- Report to Minister on functions (s49 VOCA Regs, s9(3) VOCA, S87 HRCA, s33 HRA)
- Minister to table reports (s87 HRCA)
- Protection of Commissioner (s13 VOCA, s100 HRCA)
- Approval of forms (s51 VOCA Regs, s104 HRCA)
- Regulatory power for functions (s105 HRCA)

The VoCC urged that the statutory officer continue to have a strong advocacy role in assisting victims with the involvement in justice proceedings and one that was legislatively apparent to agencies. Recommendations for a specific and transparent set of powers went to this central point.

Overall, the VoCC commented that the proposed Commissioner consolidated the Government's one-stop shop approach to the provision of information, support, and advocacy for victims of crime in the ACT. The proposed Commissioner reinforces the level of importance that victims have for the administration of justice and delivery of services. The proposed re-organisation of statutory and administrative responsibilities to provide that the Commissioner be responsible for the management of the victims' services scheme and any other program for the benefit of victims is a further reinforcement of the one-stop shop approach.

The proposed reforms make very significant changes to the statutory scrutiny, protection and promotion of victims' rights in the ACT. The VoCC therefore recommended that a review including community consultation be conducted after three years should the proposals proceed.

Access to Justice and Access to Services

The creation of the one-stop shop for victims of crime in the ACT is designed to make access to justice and to services easier and simpler for members of the public. The report of Victim Support ACT in this volume describes in detail how access is provided.

Of particular note is the **30% increase** over the reporting period in the proportion of people taking up the opportunity for support and advocacy services. This increase suggests a vote of confidence in the one-stop shop approach. However, specific challenges continue to develop including:

- The available capacity to deliver support & advocacy to increased numbers of victims and often over very long periods of time.
- The very great difficulty in securing access to legal advice, assistance and representation to victims.

Victims often find their lack of rights in the system very upsetting and disturbing. In essence it is the common perception and experience of victims that the rights of the accused and the public interest take precedence over their own rights and interests.

Particularly troubling is the extremely limited capacity of the VoCC to respond to problems brought by individual victims with regard to their involvement with the administration of justice. Not only does this undermine the intention of the one-stop shop approach and the intention of the *Victims of Crime Act 1994*, but it does also involve delays of some months in resolving matters for members of the public. This is a very unsatisfactory situation.

Audit of Concerns, Issues and Complaints Regarding the Administration of Justice

Over the reporting period, an audit was conducted of the type and extent of concerns, issues and complaints raised by victims about their involvement with justice.² The audit included an examination of the proportion of all clients contacting the one-stop shop over 2009-2010 who raised a justice concern, issue or complaint. It was beyond available resources to review all of the 746 new client files for the audit. Therefore a more detailed examination of a sample of 56 case files aimed to reveal the nature of the justice concern, issue or complaint.

70% of new clients contacting the service in 2009-2010 had involvement with justice (n= 524 of 746)

In the sample 56 cases examined, a number of positive responses were identified. These included examples of:

- Coordinated case collaboration supporting the victim between victim support staff, justice agencies and community services.
- Specific justice personnel (police, prosecutors, victim/witness staff, sentencing officers and others) who provided a sympathetic and high level of service to some individuals.

Of the sample clients, a range of crime incidents were identified primarily assault, followed by sexual assault and family violence. Other types of incidents included homicide, acts of indecency, stalking, threats to kill, arson and armed robbery. A range of concerns and issues were identified through the sample and are set out in the summary below.

Main concerns and issues about justice identified by victims

- Inadequate police investigation
- Lack of follow-up & case status information by police & prosecution
- Lack of consultation on pleas by prosecution
- Trial delay at court.
- Multiple changes to plea.
- Inadequate actions undertaken to protect witnesses from threat & intimidation.
- Inadequate protection of private and personal information at court.
- The process for and long delays in the financial assistance scheme.

² The audit was conducted by Ms Anne Barrie, previously Manager of the Victims Services Scheme (rtd). Her thoroughness and professionalism in conducting the audit is gratefully appreciated.

The cases sampled were diverse. A snapshot of some of these provides greater depth to the concerns and issues raised.

Police

Client A – the person alleges he was assaulted by a group of other males and that there was an inadequate police investigation. No witness statements were taken, there was no recording of his injuries and there was no follow-up of the client by police.

Client B – the young person alleged a sexual assault and there were long delays in the investigation. A decision not to proceed was taken 3 years after the incident. The matter was investigated by the VoCC and reported to the Minister. Over the reporting period, an investigation of the matter was commenced by the Ombudsman.

Prosecution

Client C – the person had been assaulted with a broken bottle. He was referred to VSACT for assistance with a Victim Impact Statement 2 days before the sentencing hearing. The short time frame to the request put pressure on the client. The VIS could not be prepared.

Client D – the person was a victim of family violence. Despite safety concerns, no information was provided about the bail conditions for the defendant or about subsequent applications to vary the conditions.

Court

Client E – the person was a victim of threats to kill from a group of other people. A non-custodial sentence was regarded as inadequate and unsatisfactory by the victim.

Client F – the sentence included an order for reparation. The offender has not paid the order and the victim is advised to initiate private legal proceedings to recover the reparation. However, the victim is denied identifying information about the offender in order to initiate the proceedings. The victim is also concerned about incurring further expense through legal proceedings as well as the potential for direct and indirect contact with the offender.

Client G – identifying personal information about the victim and other witnesses is made in transcript and subsequently posted on the court website.

Financial Assistance Scheme

Client H – related members of a homicide victim are affected by long delay in assessing and finalising financial assistance application for funeral expenses. Family subsequently pursued by debt collectors.

Client I – the person was a victim of sexual assault in 2006. Financial assistance application lodged in 2007 and the matter committed for trial in 2007. Applicant advised that an assessment will not be made until the criminal trial ends despite the prosecutor's offer to provide supporting comment for application.

Client J – the person is a victim of assault and is distressed and stressed by the perceived adversarial approach to the financial assistance application. The person's physical and mental health worsens as the financial assistance for their treatment faces delays.

All cases involved substantial advocacy on behalf of the client by victim support staff assisting the VoCC discharge her functions.

Concerns, Issues and Complaints Regarding the Administration of Justice

In addition to the audit, the VoCC responded to a number of specific concerns raised by victims over the reporting period, some were continuations from previous years.

1. Matter of a Young Person and Alleged Sexual Assault

A report of an investigation into a complaint by a young person and her mother was provided to the Minister in September 2009. The young person had reported an allegation of sexual assault to police in 2005. The young person and her mother complained to the VoCC that police had failed to keep them informed of the progress of the investigation and, in arriving at a decision in 2008, not to charge the accused, had relied upon evidence present and available in 2005. The report noted that, in addition to a possible breach of the *Victims of Crime Act 1994*, the human rights of the young person pursuant to s11 of the *Human Rights Act 2004* may also have been compromised. A response to the report was received from the Minister in June 2010.

The VoCC report has additionally been made available to the Ombudsman as further avenue of formal complaint. The VoCC is assisting the Ombudsman with his enquiries.

2. Matter of a Victim of Bodily Harm

A report of an investigation into a complaint by a woman was provided to the Minister in September 2009. The woman had been a pillion passenger on a motorbike driven by her de facto partner. As a result of an incident involving another car, the woman's partner had been killed and she had suffered physical and psychological injuries. The woman complained that she had not been treated as a victim in accordance with her status as a related victim and as a primary victim. A consequence of which was that the matter finalised at court without her being involved or notified.

The report discussed the consistent application of policy and practice guidelines for victims of crime across ACT Policing, including to victims of motor incidents where a criminal offence arose. The report acknowledged the high level of engagement generally provided by traffic incident investigators with victims and their families. The report acknowledged that police investigators can also find themselves 'outside the loop' of timely information flow as they are usually not in court when crucial decisions are made. The Chief Police Officer noted the scope for addressing some issues through the ACT Policing/Victim Support ACT Police Referral Project and the reform of the *Victims of Crime Act 1994*. A response to the report was received from the Minister in June 2010.

3. Matters Involving Victims and the Mental Health Jurisdiction

The VoCC has had a long-standing involvement with a couple of matters where the offender is subject to the mental health jurisdiction of the ACT Administrative and Civil Tribunal (ACAT). Over the reporting period, the VoCC made representations to the ACAT on behalf of the interests of victims in two separate matters. These are important proceedings where a public authority is provided with submissions that invite the proper consideration of the human rights of victims.

The assistance of the ACT Government Solicitor in these matters is gratefully acknowledged.

4. Matter Involving Assault and Financial Losses

The matter complained of was in relation to an assault against a young person in which items were stolen. The young person's parent had written to ACT Policing about the losses. He complained to the VoCC that the losses had not been considered in finalising the matter. The VoCC wrote to the Chief Police Officer (CPO) and the parent wrote to the Minister. ACT Policing advised that the loss information had been forwarded to the Office of the Director of Public Prosecutions but that the informant had received no further information on the matter. ACT Policing made a good will payment to the parent.

5. Matter of a Young Person and Trial Delay

The VoCC assisted family of a young person to make a complaint to the Minister about trial delay. The young person had alleged sexual assault in relation to an incident in 2005. The matter was the subject of an indictment the same year. However, the matter did not resolve finally until February 2009. A response to the correspondence was received from the Minister.

The family also complained that the victim's financial assistance application would not be assessed until the criminal trial finalised. The VoCC further assisted this complaint in correspondence to the Minister.

6. Matter Involving Financial Losses and Assault

A person complained to ACT Policing and to the VoCC alleging that police had failed to assess the seriousness of threats and intimidation made against him and his partner. A day after the report of the threats was made to police, the couple were physically assaulted and their property destroyed. A police officer was counselled and apologised to the victim.

7. Matter Involving Deaths Arising from a Motor Vehicle Incident

In response to complaints from family members of the deceased, the VoCC wrote to media outlets to request greater sensitivity in their reporting of the incident, the people involved and the consequences.

8. Concerns Regarding the Victims of Crime Financial Assistance Scheme

The VoCC has dealt with an increasing number of concerns raised by victims about the Victims of Crime Financial Assistance Scheme (FAS). Victims have expressed concerns in relation to:

- Decisions not to assess applications until criminal trials are completed. As noted above, criminal trials can take many years to finalise. The position adopted has impacted on family members affected by homicide, sexual assault victims including children, and assault victims and can affect their access to rehabilitation and treatment services.
- The general length of time taken for applications to progress, and the apparent absence of any procedural time requirements.
- The difficulties in sourcing information necessary to support applications.
- A perception of an adversarial and hostile approach to victim applications.

Overall, there are serious questions about a scheme conceived to assist victims to deal with the financial and material consequences of crime that can be more 'revictimising' than helpful. The amount of case work and advocacy required of staff to assist applicants is demanding and the process is draining on all parties. It is also inefficient and a waste of public resources to have such a legalistic and bureaucratic process for often small expense claims. For example, a number of matters have been drawn to the VoCC attention where victims receive a bill for ambulance attendance. These can constitute 'reasonable expenses' in the order of \$500-1,000. Nonetheless, the whole application process must be undertaken as if the amount claimed was \$50,000.

Meetings have been held with the Court and the ACT Government Solicitor to discuss ways of streamlining the process.

A.3 Highlights for 2009-2010

Over the reporting period 2009-2010 the reform of the *Victims of Crime Act 1994* was a priority for the VoCC.

Major projects that passed a milestone included the Police Victim Referral Research (a joint project with ACT Policing and involving the Australian Institute of Criminology, AIC), and the evaluation of the Family Violence Intervention Program (also involving the AIC). The VoCC continued involvement with the international research network, the Canadian Observatory into Justice Responses to Intimate Partner Violence and, as an outcome, was able to receive a report about the organisation of victim support and advocacy across the Canadian provinces.

A.4 Outlook for 2010-2011

The outlook for 2010-2011 is one of expanded statutory functions and law reform that will require a further amount of restructuring and re-focusing of operational practices. Also anticipated is a continued increase in the number of victims making contact with the one-stop shop for justice advocacy.

Further attention to reform is likely through renewed consideration of victims' rights under the *Victims of Crime Act 1994*.

This combination of demands will continue to impact heavily on the VoCC's capacity to deal with system-wide programs and reforms such as the Family Violence Intervention Program, the Sexual Assault Reform Program, the mental health jurisdiction, and court developments such as circle sentencing and the proposed District Court.

Advocacy for Victims of Crime

Systems Advocacy

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

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

- a) **Victim Contact Information** – the capacity and capability of the justice system to collect and store victim contact information remains very restricted, ad hoc and inefficient. It remains the case that victim information is re-entered in databases in at least three different justice entities with very little systemic sharing and rationalising.

Section 136 of the Crimes (Sentencing) Act 2005 provides for information exchanges between criminal justice entities. While the VoCC is specifically listed as an entity under that provision, Victim Support ACT is not. This continues to generate some uncertainty from criminal justice entities that are listed, whether to share information with justice advocates from Victim Support ACT for the purpose of discharging statutory functions.

The time has come for a concerted and constructive examination of more systematic, efficient and effective methods of contacting and communicating with victims within the administration of justice.

- b) **Reparations provisions** (s19 of the *Crimes (Sentencing) Act 2005*) enable a sentencing court to consider imposing an order on a defendant as redress for loss suffered by an injured person. In previous annual reports the VoCC has reported persisting problems with this area of procedure. These problems continue to be unaddressed. Victims are not being given the information they require to ask for reparation. Their requests to receive reparation are not being consistently delivered at court, compliance with a reparation order is not part of sentence administration and reparation orders are not being enforced. Even if they wish to pursue civil enforcement procedures, victims are routinely denied access to identifying information about the offender to enable them to pursue legal avenues.
- c) **Mental health issues** in the criminal jurisdiction. This year the VoCC continued to participate in the working groups convened by the Department of Health to reform the *Mental Health (Treatment & Care) Act*. The VoCC made a submission on the Forensic Issues Discussion Paper in December 2009.
- d) **Serious and Major Crimes including Homicide** and the impact on victims of crime have had a significant impact on the work of the agency over the reporting period. The working collaboration with ACT Policing in this area continues to develop in positive directions.

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

Advocacy for Individuals

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

Domestic Violence Project Coordinator

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

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

Over the reporting period the Domestic Violence Project Coordinator worked with the Council to organise a national conference profiling responses to domestic and family violence.

A.5 Management Discussion and Analysis

The bringing together of the statutory responsibilities of the VoCC and the administration of a Government service to victims of crime within Victim Support ACT continues to present some challenges, as was indicated in last year's annual report. The continuation of this arrangement is subject to the review of the *Victims of Crime Act 1994*.

The administrative and service demands of performing both roles has seriously reduced the capacity of the VoCC to deliver statutory responsibilities. However, the integration of the VoCC Office with the victim services scheme in a one-stop shop arrangement has delivered the intended more seamless service for victims of crime.

The proposed Commissioner will address the governance problems caused by the amalgamation. However, it will need to be accompanied by additional financial resources if the chronic under-funding of statutory justice advocacy is to be addressed.



A.6 Financial Report

Over 2009-2010, Victim Support ACT was allocated a budget of \$2,091,000 of which \$1,089,000 was allocated for employee expenses and \$934,000 for non-employee expenses and a further \$68,000 for fixed expenses. The VoCC and the DV Project Coordinator are managed within this budget.

Victim Support ACT funded VOCAL for volunteer support workers in the amount \$168,000. Payments totalling \$314,419 were paid to Approved Providers for client services.

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

A.7 Statement of Performance

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

A.8 Strategic Indicators

The strategic indicator of the VoCC is *the number of community members made aware of their rights*. This indicator is new for the reporting period.

A baseline can, however, be found in the joint ACT Policing/Victim Support ACT research identifying that only 19% of victims who reported the incident to police were informed about victim services.

In addition, a report by the Victims of Crime Coordinator (August 2008), *Victims' Voices*, sought views from people who were victims of crime. This survey found that the majority were treated fairly and with sympathy. However, the majority did not consistently receive their rights under the *Victims of Crime Act 1994*.

A.9 Agency Performance

The performance of the VoCC is discussed in the sections at pp.12–16 regarding system and individual advocacy.

A.10 Triple Bottom Line Report

Discussion on the development of a sustainable ACT through the activities of the VoCC as hosted within Victim Support ACT is contained within the Annual Report of the Department of Justice & Community Safety.

SECTION B: CONSULTATION AND SCRUTINY REPORTING

B1. Community Engagement and Education

The VoCC conducts community education activities as resources allow. These constraints precluded a substantive schedule of activities over the reporting period.

The VoCC undertakes to engage with the community as the need arises.

B.2 Internal and External Scrutiny

Some internal and external scrutiny of the activities of the VoCC took place over 2009-2010 during the review of the *Victims of Crime Act 1994*. In particular, in response to external concerns about the management of complaints about the service (of which none were formally received), staff received internal briefing about Victim Support ACT policy and procedures.

Agency	Nature of Inquiry	Recommendations/ Outcome of Inquiry	Response to the Outcome of the Inquiry
Victim Support ACT	Review of legislation	Nil recommendations in reporting period	Staff received internal briefing about Victim Support ACT policy and procedures for: <ul style="list-style-type: none">• Responding to complaints about Victim Support ACT• Responding to complaints about Approved Providers• Responding to complaints about agencies engaged in the administration of justice• Assisting the Victims of Crime Coordinator with regard to complaints about agencies engaged in the administration of justice.

B.3 Legislative Assembly Committee Inquiries and Reports

There are no commenced or completed inquiries by Legislative Assembly Committees that relate to the operations of the VoCC to report on over the period 2009-10.

B.4 Legislation Report

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

7 Functions

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

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

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

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

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

SECTION C: LEGISLATIVE AND POLICY BASED REPORTING

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

- Risk Management And Internal Audit (Section C.1)
- Fraud Prevention (Section C.2)
- Public Interest Disclosure (Section C.3)
- Freedom of Information (Section C.4)
- Internal Accountability (Section C.5)
- Human Resource Performance (Section C.6)
- Workplace Health and Safety (C.9)
- Workplace Relations (C.10)
- Strategic Bushfire Management Plan (C.11)
- Strategic Asset Management (C.12)
- Capital Works (C.13)
- Commissioner for the Environment (C.18)
- Ecologically Sustainable Development (C.21)
- Model Litigant Guidelines (C.23)

Information regarding the following areas is contained in the Annual Report of Victim Support ACT as the host organisation for the VoCC.

- Staffing Profile (Section C.7)
- Learning & Development (Section C.8)
- Government Contracting (C.14)
- Community Grants/Assistance/Sponsorship (C.15)
- Territory Records (C.16)
- Human Rights Act 2004 (C.17)
- ACT Multi-Cultural Strategy 2010-2013 (C.19)
- ACT Women's Plan 2010-2015 (C.22)

APPENDIX A: Legislation

Supplementary advice to the Minister pursuant to
S7(g) *Victims of Crime Act 1994*

Victims of Crime Legislation Amendment Bill
June 2010

Arguments for removing investigation of complaints from the VoCC to the Ombudsman

Three substantive arguments have been put to remove the investigative power from the independent statutory officer, the Victims of Crime Coordinator (VoCC). These are:

1. That the VoCC may be drawn into a conflict of interest in being asked to investigate a complaint in relation to the victims' services scheme.
2. That the VoCC may, in managing the victims' services scheme on behalf of the JACS Chief Executive, receive information from clients about conduct in the administration of justice that may constitute a breach of the Governing Principles of the *Victims of Crime Act 1994*.
3. That the VoCC is not independent in receiving and investigating complaints from victims of crime about conduct in the administration of justice that may constitute a breach of the Governing Principles of the *Victims of Crime Act 1994*.

The ACT *Victims of Crime Act 1994*

The ACT *Victims of Crime Act 1994* establishes Governing Principles for the treatment of victims of crime (section 4 – Attachment). These principles derive from the United Nations Declaration of Basic Principles of Justice for Victims of Crime & Abuse of Power (1985).

The Declaration and the ACT legislation derive from recognition of the “*traditional inequality and imbalance that victims have felt in relation to their position in the criminal justice system.*”³

Most common law and many inquisitorial jurisdictions in Australia and elsewhere have enacted similar legislation in an attempt to redress this inequality and imbalance.

3 Terry Connolly MLA, Attorney General, Tabling Speech, Hansard, 10th November 1994, pp.4023-4024.

Rights protection

While the Governing Principles do not constitute formal legal rights, an independent statutory position was established under s14 of the ACT *Victims of Crime Act 1994* in recognition for a promotion and compliance mechanism to protect victims' rights. This is the Victims of Crime Coordinator (VoCC). Under section 7 of the Act, this position has a number of functions including:

- (a) to promote the governing principles mentioned in section 4;
- (h) to advise the Minister on matters relating to victims;

The primary purpose of this position is to protect victims' rights as per the Governing Principles in the administration of justice. The whole thrust of the legislation and the need for statutory protection derives from the historical alienation of victims of crime from proper recognition within the justice process. To empower the statutory position and provide some 'teeth' to victims' rights, an investigative power was provided to the VoCC and states:

9 Investigations

- (1) The coordinator may investigate conduct in the administration of justice which the coordinator believes on reasonable grounds involves a breach of the governing principles mentioned in section 4.
- (2) A person who exercises, or has exercised, a function in the administration of justice must, as far as practicable, give the coordinator the information asked for by the coordinator for an investigation.
- (3) The coordinator must report the results of an investigation to the Minister.

Argument 1 – Conflict of Interest

The investigative power of the VoCC is restricted in two ways. That is:

- Only conduct *in the administration of justice* may be subject to investigation s9(1)
- Only conduct believed on *reasonable grounds* to involve a *breach of the governing principles* may be subject to investigation s9(1).

A number of points can therefore be made about the concern for a conflict of interest. These are that:

- The victims' services scheme is not a part of the administration of justice.
- The Governing Principles do not apply to the victims' services scheme.

The victims' services scheme was established in 1999 and outsourced by JACS to ACT Health until 2007. It constitutes a health service as per s7 of the *Human Rights Commission Act 2005*. Therefore complaints about the victims' services scheme fall within the jurisdiction of the Health Services Commissioner.

Furthermore, the Victims of Crime Regulations 2000 make provision for internal review of decisions (Division 3.2) enabling:

- Review by an Internal Reviewer (s27).
- An Eligibility Review Committee (s28)
- Review by ACAT of an internal review decision (s32)
- Arbitration on care plans (s38)

I conclude that there is no conflict of interest because the VoCC has no power to investigate the victims' services scheme and the victims' services scheme does not fall within the Governing Principles. Moreover, the victims' services scheme is a health service and subject to the jurisdiction of the Health Services Commissioner.

The Bill proposes that the new statutory position is directly responsible for the service. Therefore the Commissioner will have responsibility to manage complaints made about the victims' services scheme. However, the victims' services scheme remains outside of the Governing Principles of the *Victims of Crime Act 1994*.

Argument 2 – Access to Complaint Information

From 2007 the victims' services scheme was brought within the administration of the Department of Justice & Community Safety (JACS). The JACS CEO delegated responsibility for the administration of the scheme to the VoCC. Difficulties associated with this administrative arrangement were reported in the Annual Reports for 2007-2008 and for 2008 – 2009.

In large part these difficulties are to do with having a reporting relationship to the Chief Executive in one work area and statutory independence in another. The provisions in the Bill to designate the Commissioner with responsibility for managing the victims' services scheme in large part overcomes these difficulties.

Nonetheless, the argument has been put that, currently, the VoCC has access to client information that potentially gives rise to a formal complaint about an agency engaged in the administration of justice.

Victim Support ACT is a new agency established in 2008 to incorporate the victims services scheme and other aspects of service for victims. A completely new set of internal policies and procedures were developed for the agency. Amongst these are:

Policy #3 Client Rights & Complaints Management – specifies how staff in Victim Support ACT are to respond to feedback and complaints by clients. The policy advises about possible resolution of a complaint by the Health Services Commissioner.

Policy #14 – Policy for Client Complaints About Agencies Engaged in the Administration of Justice – specifies how Victim Support ACT staff are to respond to issues raised and complaint from clients about agencies engaged in the

administration of justice. The policy specifies principles being early and cooperative resolution with the relevant agency and, where this has not proved satisfactory, to then be elevated to the senior team managers for possible resolution through the agency's own complaint processes. Following this, if the resolution remains unsatisfactory, the client is to be offered assistance to access the relevant statutory complaint processes.

In addition, the VoCC has an internal *Policy for Management, Investigation & Reporting of Statutory Complaints Under the Victims of Crime Act*. The policy specifies the principles as above being early and cooperative resolution with the relevant agency and, where this has not proved satisfactory, to then be elevated to the senior team managers for possible resolution through the agency's own complaint processes. Following this, if the resolution remains unsatisfactory, the client is to be offered assistance to access the relevant statutory complaint processes. If the client chooses to access the VoCC, it is at this point that a specified case manager is allocated for the statutory complaint.

In conclusion, the VoCC and Victim Support ACT have established internal processes that adhere to the principle of early and cooperative resolution, and provides a distinct separation between how 'normal' complaints are to be managed and the manner in which these are clearly defined if and when they become a statutory complaint.

It is difficult to see how it is a problem that victims of crime are assisted to access their rights from a supportive service environment.

Argument 3 – VoCC is not Neutral or Independent

The VoCC is an independent statutory officer and is, therefore, independent of the usual constraints of a public servant (whilst being subject to the responsibilities of the *Public Sector Management Act*). Within the jurisdiction of the *Victims of Crime Act 1994*, the VoCC is at liberty to act according to the functions and powers of the legislation as she sees fit.

The VoCC is established to promote victims rights' pursuant to the Governing Principles, and the interests of victims in general. In this context the position-holder is not neutral. She has an obligation to promote and protect victims' rights.

However, if and when a complaint is made the VoCC must extend normal procedural fairness principles to the agency complained of. The procedure – as set out in previous Annual Reports, the *Quality of Justice* report, and in policy – is that there be initial seeking of information, then, if the problem is not resolved, the VoCC may write to the relevant Head of Agency. This correspondence may set out the circumstances as stated by the complainant and invite the Head of Agency for a review and/or comment on the matter.

Following receipt of this information, the matter may be considered resolved. If the matter is sufficiently serious and/or illustrates a systemic problem then a draft report

may be written for consideration by the head of Agency. Following comments, the VoCC may finalise the report and submit it to the Minister.

In conclusion, the VoCC is not neutral as a rights protecting entity established in legislation. The position does, however, have procedures in place that provide for procedural fairness for the agency complained of as well as for the complainant.

In conclusion

When the arguments for taking the investigative power away from the existing statutory position are examined in detail they do not appear to have sufficient merit.

Robyn Holder

VICTIMS OF CRIME COORDINATOR

Attachment

ACT Victims of Crime Act 1994

Part 2 Treatment of victims of crime

4 Governing principles

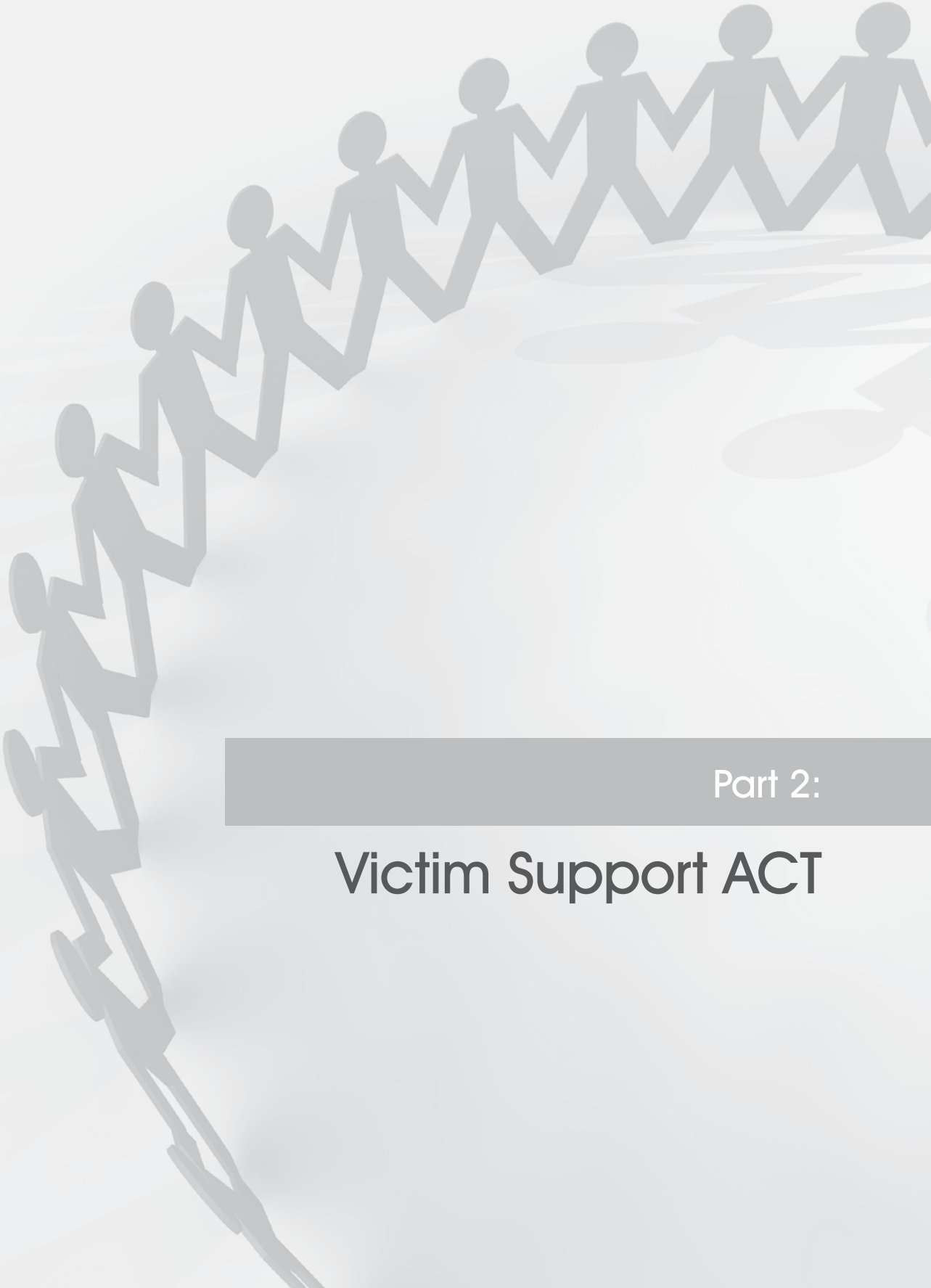
In the administration of justice, the following principles are to, as far as practicable and appropriate, govern the treatment of victims:

- (a) a victim should be dealt with at all times in a sympathetic, constructive and reassuring way and with appropriate regard to his or her personal situation, rights and dignity;
- (b) a victim should be told at reasonable intervals (generally not more than 1 month) of the progress of police investigations about the relevant offence, except if the disclosure might jeopardise the investigation, and, in that case, the victim should be told accordingly;
- (c) a victim should be told about the charges laid against the accused and of any modification of the charges;
- (d) a victim should be told about any decision concerning the accused to accept a plea of guilty to a lesser charge or a guilty plea in return for a recommendation of leniency in sentencing;
- (e) a victim should be told about any decision not to proceed with a charge against the accused;
- (f) if any victim's property is held by the Territory for the purposes of investigation or evidence—inconvenience to the victim should be minimised and the property returned promptly;
- (g) a victim should be told about the trial process and of the rights and responsibilities of witnesses;
- (h) a victim should be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- (i) a victim's home address should be withheld unless the court directs otherwise;
- (j) a victim should not have to appear at preliminary hearings or committal proceedings unless the court directs the victim to appear;
- (k) a victim should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications;

- (l) a victim who is known to have expressed concern about the need for protection from an offender should be told about the offender's impending release from custody.

5 Compliance with principles

A person who exercises a function in the administration of justice must have regard to the governing principles mentioned in section 4, as well as other relevant matters.



Part 2:

Victim Support ACT

SECTION A: PERFORMANCE AND FINANCIAL MANAGEMENT REPORTING

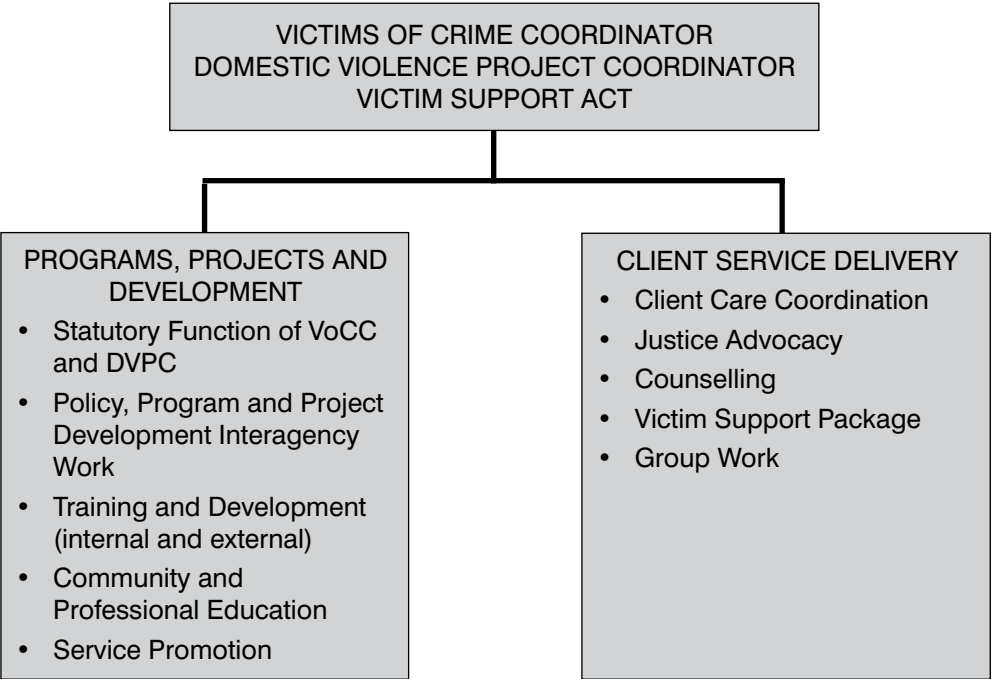
A.1 Organisation

Victim Support ACT is designated as the ACT Government’s one-stop shop for victims of crime and their families in the ACT.¹ The mission of Victim Support ACT is to create *a centre of excellence in providing assistance to victims of crime in the ACT*.

The agency sits within the Department of Justice and Community Safety and administers a wide range of services and programs for victims of crime and their families. These include the victims’ services scheme & justice advocacy services. From July 2007 the person performing the functions of the Victims of Crime Coordinator (VOCC) was delegated by the Chief Executive to administer Victim Support ACT.

The agency supports the independent statutory positions of Victims of Crime Coordinator and Domestic Violence Project Coordinator.

TABLE 1: Structure of Victim Support ACT



¹ The definition of ‘victim of crime’ is as per the *Victims of Crime Act 1994*.

Victim Support ACT provides a wide range of services and programs² including:

- Victims services scheme
- Justice advocacy program
- Homicide families support program
- Learning to Live program
- Group work program
- Aboriginal & Torres Strait Islander victim of crime outreach & assistance program
- Wraparound program
- Professional development
- Inter-agency programs (FVIP, SARP)
- Volunteers in the community (VOCAL)
- Community education
- Statutory support

Guiding principles for Victim Support ACT are that service delivery will:

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

Victim Support ACT comprises an inter-disciplinary team of psychologists, social workers, counsellors, justice advocates and administrative staff. Staff work closely with stakeholders including non-government agencies – the Domestic Violence Crisis Service (DVCS), Canberra Rape Crisis Centre (CRCC), Women's Legal Centre, Canberra Men's Centre, and VOCAL. Victim Support ACT also values its working relationship with government agencies - ACT Policing, Office of the Director of Public Prosecutions, ACT Courts & Tribunals, ACT Corrective Services, and Department of Disability, Housing, Youth & Community Services amongst others.

2 Services and programs are described in more detail at page xx.

The One-Stop Shop for Victims of Crime

Victim Support ACT has developed rapidly since it was established in 2007. The recommendation of the Government's Review in 2006 for 'consistent, coordinated, seamless & personalised service delivery for victims' guides this development.

The concept of the 'one-stop shop' for victims of crime integrates the practical, rehabilitation and support needs of clients with assistance to access justice processes like financial assistance, advocacy and court support.³

The strategic direction of Victim Support ACT is set by a Strategic Plan 2008-2011 and informed by the Strategic Plan 2008-2011 for the Department of Justice & Community Safety.

This section provides information to key questions being:

- Who can access Victim Support ACT?
- How are services provided to victims?
- What types of services are provided to victims?

(a) Who Can Access Victim Support ACT?

Any person who is a victim of crime whether it is a personal offence or a property offence can access the service. The incident does not need to have been reported to police, and may even have occurred outside the ACT. Family, significant others, friends and witnesses can also access the service.

People who are affected by crime can be adult or child, male or female, and come from a range of different community backgrounds.

Some specific entitlements and services may be restricted to people who are victims of crime that occurred within the ACT. Services may, however, be purchased and delivered in the person's home state or territory.

(b) How Are Services Provided?

People make contact with Victim Support ACT by a variety of means but primarily by direct telephone contact.

For some people the services provided at the point of **reception** are sufficient for their needs. As the first point of service it is critical that people feel acknowledged and encouraged in seeking help. Reception provides:

- Acknowledgement & validation
- Phone de-briefing

³ Final Report of the Reference Group for the Review of the Victims Services Scheme (VSS), (undated), ACT Department of Justice & Community Safety, Canberra, p.4-6.

- Identification of main needs, issues, & concerns
- Provision of information
- Information gathering
- Referral
- Appointments – phone or face-to-face

The majority of people do wish to engage more fully with professional staff and are provided an intake appointment for an extensive **assessment**. People who are particularly disadvantaged are encouraged to bring support people to the appointment or may be assisted through an outreach or home visit. The assessment can also be conducted over the phone if people find transport or leaving the home difficult. Sometimes the assessment can take place over two or three appointments. In this way assessment forms part of the therapeutic engagement with the service.

The assessment will include more thorough information gathering about the incident(s) and its consequences to the victim. The impact information may include physical, financial, material, social, psychological and employment aspects. It will also include discussion about the effect on other family members in particular children. The assessment will ask people, where relevant, about their social supports, medical history and prior victimisation. It will also assess risks of harm, self harm and suicidality. The assessment will gather critical information about the person's engagement with police and others in the legal system.

This process of understanding the impact, effects and consequences of the incident(s) on victims and their families is extensive and can take place over a number of sessions. It is essential to planning the next step of service delivery which is the direct supports, interventions and assistance required.

Case planning can involve many aspects and aims to be holistic, practical, and therapeutic. It can include aspects of people's involvement with various justice processes, housing and employment. It is always tailored to the individual's circumstances.

Some aspects of service at this point may be limited in accordance with the *Victims of Crime Regulations 2000*. In particular, the purchase of services from private practitioners is limited to those who experience a crime in the ACT. However, support, case management and coordination as well as advocacy to access rights & entitlements is generally unlimited and restricted only by caseload demands. A care or support plan will usually be written for each person with their consent and participation.

Central to the provision of client-centred and practical intervention is the **victim support package**. The package is available to those who experience a crime in the ACT. Through the means of a 'package' the victim support staff are able to purchase services from private providers in the community. For example, counselling from

private psychologists, social workers or other counsellors. Or physical therapies like massage or physiotherapy or natural therapies. Sometimes people's recovery is supported by access to physical fitness or classes designed to improve their physical well-being and confidence. Sometimes, particularly for children and young people, the services are for tutoring or other educational services designed to get them back on track with their normal lives at school.

The victim support package is a flexible and responsive tool. The value of the package will relate to the levels of service provided for in the *Victims of Crime Regulations 2000* being:

Level 1	<ul style="list-style-type: none">• All eligible victims of crime are entitled to receive Level 1 service under the Victims Services Scheme (VSS).• Level 1 consists of no more than 2 contact hours.• Level 1 is available to people who have experienced a property or a violent crime in the ACT
Level 2	<ul style="list-style-type: none">• An eligible victim is entitled to receive level 2 service under the VSS if the victim has completed level 1 service under the VSS for the crime concerned.• Level 2 service consists of not more than 6 contact hours in addition to the level 1 service contact hours.• Level 2 is available to people who have experienced a violent crime in the ACT
Level 3	<ul style="list-style-type: none">• An eligible victim entitled to receive level 2 service is entitled to receive level 3 service under the VSS if—• (a) the victim has completed level 2 service for the crime concerned in accordance with the Care Plan; and• (b) the victim's case coordinator has decided under section 34 (8) (Level 2 services) that the victim would receive therapeutic benefit from receiving level 3 service.• Level 3 service consists of not more than 12 contact hours in addition to the level 1 and level 2 contact hours.• Level 3 is available to people who have experienced a violent crime in the ACT

Case management and coordination will usually include all of the above and may additionally include **justice advocacy** services. Many people who have experienced crime will become involved in some legal or justice process. This could be reporting to police or appearing in court or applying for financial assistance or seeking information about the administration of a person's sentence after court. All of

these relate to the **rights and entitlements** of members of the community. Justice advocacy can involve coordination with other justice and victim agencies with the aim of ensuring *‘that victims receive the information and assistance they need in connection with their involvement in the administration of justice’* (s7g Victims of Crime Act 1994).

Justice advocacy services may be required over months and even years from the point of reporting to police, to court, and then the stage of probation and parole. Justice advocacy may also be required where the relevant offender becomes subject to the mental health jurisdiction of the ACT Administrative & Civil Tribunal. The activities necessarily require a constructive, consistent and coherent working relationship with other agencies in the administration of justice.

The processes associated with justice can be confusing, intimidating and draining. The victim support staff are experienced in assisting people understand and access their rights and entitlements.

A key principle for victim support is that ‘a victim should be dealt with at all times in a sympathetic, constructive and reassuring way and with appropriate regard to his or her personal situation, rights and dignity’ (as per the Victims of Crime Act 1994).

An important aspect of service delivery is that staff **review and evaluate** whether the care plan is meeting the client’s needs and whether it needs change. This will often happen as different impacts following crime do become apparent over time, and where some issues are resolved and others emerge. In addition, different events or anniversaries can affect - both positively and negatively – how people recover from crime.

(c) What Types of Services Are Provided to Victims?

The client services provided by Victim Support ACT include and are not limited to:

- The **victims’ services scheme** which enables the provision or arrangement of professional services for victims. These services may be purchased from private providers engaged within the community or may be provided within Victim Support ACT.

Typically, the types of services are counselling, psychological therapy, physical therapies, specialist assessments, tutoring, physical fitness & activity, and other remedial and support interventions. These services are limited to people where the crime took place in the ACT. For people who were victims in the ACT but ordinarily live in another Australian state or territory or overseas the services can be purchased and delivered near where they live.

- **Justice advocacy services** include that assistance and support to people who need to be involved in a justice or legal process as a result of the crime. Usually this relates to areas of criminal justice such as reporting to police, giving evidence, attending court, submitting a Victim Impact Statement, and applying to register for sentence administration information. It may also include assisting victims with particular justice processes such as appearing at the Ngambra Circle Sentencing Court or for a Restorative Justice Conference. This area of support will often require coordination and liaison with others in the justice system notably police, prosecutors, court officers, correctional staff and other lawyers.

Justice advocacy services relate to the civil and human 'rights' of victims to information, to be involved, and to be a part of the decision-making processes of the justice system where appropriate.

Justice advocacy services may also include providing assistance for people to apply for victims of crime financial assistance or reparation orders at sentence hearings.

Justice advocacy is critical for those victims for whom the offender becomes subject to the mental health jurisdiction of the ACT Administrative & Civil Tribunal.

- The **homicide families support program** provides intensive and long term support and assistance to meet the very particular needs and issues for family and significant others surviving the death of a loved one. Individual members of a family are supported as well as the family unit as a whole being kept properly and consistently informed about the progress of a case.
- The **learning to live program** is a pilot program aiming to provide holistic support to victims and their children who have experienced and witnessed family violence. The primary victim is provided with all the normal services and supports of Victim Support ACT. In addition, particular care is given to the impact that family violence has on their parenting. A specialist assessment may be conducted of the children & young people in the family affected by the violence. A program based on this and educational assessment will often include tutoring and behavioural interventions.
- An **Aboriginal & Torres Strait Islander outreach program** has victim support staff visiting victims at community services or in their own home where appropriate. The program also seeks to work in partnership with Aboriginal & Torres Strait Islander community services that may already be working with a particular victim.
- The **group work program** is an eight week course for people to learn and practice practical skills to manage the psychological and emotional consequences of victimisation. People learn relaxation techniques, how to improve sleep, dealing with difficult emotions, managing negative thoughts & improving self care.

- The **wraparound program** for victims of sexual abuse and assault involves coordination of support, assistance and advocacy for adult and child victims where the matter is proceeding through the criminal justice system.
- **Community & professional outreach & education** is provided through the provision of on-line and hard copy information about a range of topics and issues relevant to victims of crime. Visits to groups in the community, to other services and to Government agencies are also a means to provide information about the reality and impact of crime, reactions to crime and the services available.

The many community and Government stakeholders to Victim Support ACT are engaged through this outreach including ACT Policing (Australian Federal Police), the ACT Director of Public Prosecutions, ACT Law Courts & Tribunals, and ACT Corrective Services. Victim Support ACT works closely with community services such as the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Women's Legal Centre, the Canberra Men's Centre, and VOCAL (ACT) Inc.

A.2 Overview

The Year in Review

The reporting period 2009-2010 saw continued expansion of client demand and rapid expansion of innovative ways to respond to peoples' needs. The majority of clients presented with complex needs and issues arising from their experience of victimisation, and complex consequences. For Victim Support ACT this means that there is no simple or single way of approaching case management and coordination. Case management has become more intense and conducted over a longer period of time.

As a consequence of both increased demand and complexity victim support staff are experiencing caseloads considerably in excess of standards in comparable industries such as care and protection or community corrections. The occupational health and safety implications of the situation are particularly disturbing.

Average caseload 100-120 per victim support worker

There were a number of unsettling issues affecting service delivery and staff over the reporting period including temporary accommodation, a temporary change in management, and the uncertainty surrounding the reform of the *Victims of Crime Act 1994*. Nonetheless the high quality of service was maintained as much as possible and a number of innovations were able to be developed. Staff within Victim Support ACT consistently act to the highest professional standards within a high pressure environment.

Nearly 1300 Victims Were Directly Assisted in 2009–2010

A number of projects such as the Service Model Literature Review and the Police Victim Referral Research were finalised. Other projects such as the Homicide Report and the Integrated Victim Database were partially completed. A report detailing the technical specifications for the database was completed.

An audit of operational and business processes within Victim Support ACT was conducted with positive results for the agency.

Client Service Delivery

- 8% increase in new clients (n=746)
- 30% increase in client intakes (n=609)
- Nearly 1300 individuals (new and on-going) were directly assisted

Victim Support ACT assists a combination of new and continuing clients in any given year. Over 2009-2010, nearly 1300 individuals were provided direct assistance.

Of these, 746 were new clients presenting for the first time, and 51 clients presented with new episodes (that is, fresh crime incidents). Table 2 presents this data.

TABLE 2: Total clients who initiated contact with Victim Support ACT 2009-10

Total number of new clients	746
Total number of existing clients with new episodes	51
Total new episodes	797

Of the clients presenting afresh in 2009-2010, 9% required reception services only (Table 3). Over 600 proceeded from reception contact to an intake appointment, and 15% were unable to be contacted. Reasons for this inability were varied and depended in part on the referral process. For example, some agencies provided a contact name and number but without information on consent to leave messages or text. This is particularly important when the incident may be domestic violence and safety concerns are at a premium.

TABLE 3: Service response summary 2009-10 (n=797)

Clients supported with reception only	70 (9%)
Clients unable to be contacted	119 (15%)
Clients attending intake appointment following reception	609 (76%)
Total new episodes	797 (100%)

Victim Support ACT has two performance measures: immediacy (first contact) and intake (second contact). Of those who contacted the agency and wanted an intake appointment, 79% were accommodated within 10 working days (Table 4).

TABLE 4: Performance Measure (n=609)

Intake appointment within 10 working days	478 (78%)
Intake appointment after 10 working days	131 (22%)
Total clients attending intake	609 (100%)

In any given year, Victim Support ACT supports clients who fall into different operational categories being: new clients, continuing active clients, and continuing inactive clients. These then come under different levels or types of service as outlined in Table 5.

TABLE 5: Service categories (% of all current active clients n=1300 approx)

Types of Service	%
Information & referral	18
Level 1	3
Level 2	50
Level 3	27
Exceptional Circumstances	1
Not Eligible	1

Over 2009-2010, 537 client files were closed. A file may be closed after three months without contact. File closure follows a procedure whereby contact is attempted three times and finally in writing. If direct contact is not established over this time, then the file is closed. The client is provided with a letter advising them of this but with an open invitation to re-contact should the need arise.

Client Personal Characteristics

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

Client Profile Summary 2009-2010:

- 77% clients present as the ‘primary’ victim
- 26% clients are under 18 years
- 63% clients are female
- 2% clients are Aboriginal or Torres Strait Islander

The age distribution of clients is spread relatively evenly across different categories (Table 6). However, the largest single category is under 18 years of age.

TABLE 6: Age Distribution of Clients

Age Group	%
Below 10 Years	10
10 – 17 years	16
18 - 25 years	16
25 – 30 years	9
31 – 35 years	9
36 – 40 years	10
41 – 45 years	8
46 – 50 years	8
51 – 55 years	4
56 – 60 years	4
Above 60 years	2
Unknown	3

The majority of clients of Victim Support ACT are female (Table 7). However the proportion of male clients is higher than average for a human service representing 31%.

TABLE 7: Gender

Gender	%
Female	63
Male	31
Unspecified	6

The majority of clients are of non-Aboriginal & Torres Strait Island background (Table 8). The proportion of Aboriginal & Torres Strait Islander clients has remained steady over previous years.

TABLE 8: Ethnic Identity of Clients

Ethnic identity	%
Aboriginal	2
Neither Aboriginal nor Torres Strait islander	72
Unspecified	26

Victim Support ACT assists a wide range of people affected by crime (Table 9). The predominant client group are those who have been directly harmed by the incident of crime and are “primary” victims.

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

TABLE 9: Type of Victim

Type of Victim	%
Not Stated	1
Primary	77
Related	11
Witness	11

Offence Characteristics

The majority of people making contact with Victim Support ACT are victims of a personal crime, primarily assault, domestic violence and sexual offences (Table 10).

- 86% of clients are victims of personal crime
- 77% of victims know the offender in some capacity.
- 34% of clients presented as victims of domestic violence
- 16% of clients present as victims of a sexual offence
- 5% of clients present the incident affecting them as murder, manslaughter or attempted murder

TABLE 10: Type of Crime

Offence	%
Not recorded	0
Armed Robbery	3
Assault	28
Assault (DV)	34
Attempted Murder	1
Burglary	2
Criminal damage	1
Harassment	3
Harassment (cyber)	1
Murder	4
Other	3
Robbery	1
Sexual Assault	16
Stalking	2
Threat to Kill	1

The majority of victims presenting to Victim Support ACT know the offender in some way (Table 11).

TABLE 11: Relationship to Offender

Relationship to Offender	%
Not recorded	18
Ex-partner	3
Family Member	50
Known Other	27
Neighbour	1
Not known other	1
Partner	6

Offence Consequences

People who are victims of crime experience a wide range of impacts and consequences. Victim Support ACT records these in hard copy files. Within the electronic database specific categories of impact include: psychological-emotional, physical, social, and financial. There is capacity on the database to record more than one consequence of the offence as experienced by the clients. Notwithstanding this 55% of clients identify the primary impact of the offence as being psychological-emotional.

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

- 54% of clients made contact within one month of the incident
- 23% of clients made contact within six months of the incident
- 7% of clients made contact within one year of the incident
- 5% of clients made contact within two years of the incident
- 11% of clients made contact when the incident was over two years ago.

Approved Providers

Under section 22 of the Victims of Crime Regulations 2000, the Responsible Service Agency is required:

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

Victim Support ACT delivers this function through the employment of qualified case managers and intake officers employed under the *Public Sector Management Act 1994*, and through engaging private practitioners as Approved Providers pursuant to Division 3.4 of the *Victims of Crime Regulations 2000*. Over the reporting period, a total of **54** private providers of counselling, psycho-therapy, natural therapies, massage therapy, psychological services, and educational assessment and tutoring in the ACT were engaged to provide professional services. Additionally **30** private providers in jurisdictions outside of the ACT were approved as “authorised exceptions” to deliver professional services to people victimised in the ACT but resident elsewhere.

The working partnership between Victim Support ACT and private providers is an extraordinarily valuable one for clients. During the reporting period, approximately **3340** hours of private professional service was delivered to victims of crime at a cost of **\$314,419.00** inclusive of \$17,700.00 on Victim Support Packages.

The number of hours is a 17% reduction on the previous year, and a 15% reduction in the costs associated with external Approved Providers. This reflects the changed work practices within Victim Support ACT. In particular, more clients are choosing to remain with victim support staff following their intake rather than accept an external referral. More clients are also presenting with complex needs and with extensive justice system involvement. On account of both influences, the case management and case coordination of victim support staff as well as the internal counselling and advocacy provides a more seamless and less fragmented opportunity for clients.

As reported in the 2008-2009 Annual Report administrative arrangements for the recruitment, approval, contracting, management and regulation of Approved Providers were implemented and continued over the reporting period. Guidelines relating to this process, and for the purchase of services were approved by the Victims Assistance Board. In February 2010, the Board approved a proposal from Victim Support ACT to increase the fee schedule by 10%. This is the first increase in fees to providers since 2003-04. The fee increase will commence in the new financial year.

ACT Procurement Solutions was engaged to commence a process to recruit and contract providers to the new arrangements. An industry consultation paper on the procurement was made available in February 2010.

An operational handbook is supplied to all providers and an improved process for payments has been implemented. A service manual listing all the approved providers is maintained for victim support staff. The manual contains information about providers including provider qualifications, disability access, specialisations, preferred client groups, and the clinical services each have on offer. The information enhances the capacity of Victim Support ACT staff to make informed decisions for clients about the appropriateness of any given referral.

Community Volunteers

The Chief Executive has delegated responsibility to Victim Support ACT management of the contract between the Department of Justice & Community Safety and VOCAL (ACT) Inc. The contract came to its third and final year in this reporting period. Considerable contract support was provided to VOCAL over the reporting period to enable it to meet its reporting requirements under the contract.

While VOCAL (ACT) Inc may receive funds from elsewhere and may, as a consequence, deliver other services, the Department purchases services from VOCAL (ACT) Inc to the value of \$167,977 (excl GST) to:

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

A.3 Highlights for 2009–2010

Police Victim Referral Project

A joint project with ACT Policing to examine victim reporting to police, and the referral patterns to victim support services involved the engagement of consultants from the Australian Institute of Criminology. The research involved review of the literature and models of referral in other jurisdictions. In addition it involved analysis of the characteristics of people reporting incidents to police as victims over 2007–2008, their reasons for reporting, and the proportion that requested victim support. The research included a survey of victims about their experiences and how they would want to be referred to services. The research highlights include a number of findings.

Over the 2007-08 year:

- 30,835 victims of offences (including entities & multiple victims) reported to ACT Policing
- 10% (n=2983) involved offences against the person
- 19,502 individual victims of whom 56% were male
- Individuals aged 21-30 comprised the largest category (19%)
- 5% of all victims had their matter cleared by way of arrest
- Indigenous victims are at greater risk of becoming a victim of serious personal crime
- 6% (n=505) of issues identified by police via Supportlink related to victim counselling and support
- Victim Support ACT is the 3rd highest recipient of victim referral from police via Supportlink

An on-line survey attracted 149 responses from victims of crime being:

- 43% male and 56% female
- 1% Aboriginal & Torres Strait Islander
- The majority were victims of break and enter, or assault
- 19% had been informed by police about victim services
- of these 66% accepted the referral to victim services
- 48% accessed victim services without being referred by police
- the most common type of service sought was for information and practical help
- 80% of victims would prefer to be asked by police before being referred to a victim service
- 58% of victims would agree with police sharing relevant information with a victim service

The report and its findings will inform the development of a referral relationship between Victim Support ACT and ACT Policing in the coming year.

Sexual Assault Reform Program

Victim Support ACT is an active partner in the Sexual Assault Reform Program (SARP). In particular it coordinates & provides secretariat support to that aspect relating to victims of sexual assault and abuse being the Wraparound Program. This program involves Canberra Rape Crisis Centre (CRCC), ACT Policing, and the Office of the

Director of Public Prosecutions in providing a coordinated approach to support for victims of sexual assault who are engaged in the justice process.

Wraparound support meetings receive referrals with the consent of the victim. The referrals and the number relating to Victim Support ACT are provided in the following table.

Month 2009-2010	Total number of referrals to Wraparound program	Number of referrals to Victim Support ACT
July 09	12	4
Aug 09	4	1
Sept 09	8	4
Oct 09	15	4
Nov 09	15	6
Dec 09	9	2
Jan 10	6	2
Feb 10	21	5
March 10	10	4
April 10	13	4
May 10	5	1
June 10	6	1
Total	124	38 (30%)

In the absence of on-going meetings by the SARP Coordinating Committee, agency representatives formed a Wraparound Development Group to advance continuous development of the coordinated approach. This group drafted terms of reference for the support meetings including protocol and procedure on information disclosure and data collection.

A significant focus of the Development Group is the extent to which agencies are complying with their draft service standards. In addition the Group discussed implementation of the new legislation regarding vulnerable witnesses and the availability of court support.

Victim Support ACT worked in partnership with CRCC to offer a two day training program in May 2010 for providers and justice practitioners on aspects of the reform

program and the provision of victim support. Approximately 30 people attended the course and feedback was positive. Said one participant:

Thanks for your wonderful organisation. All from DPP enjoyed the conference, and for me personally it was a great learning experience.

Over the reporting period Victim Support ACT was responsible for further developing an integrated information website about the criminal justice system for victims of sexual assault and victims of other offences. The website includes fact sheets on specific aspects of the process. The information will be completed early in the next reporting period.

Group Work Program

The group work program offered a new 8 week course in 2010 on psychological skills. The group involved 12 clients and aimed to promote the integration of psychological skills into peoples' everyday life, and to provide an opportunity for social support and networking. The evaluation of the group by individual participants was overwhelmingly positive and included a range of comments.

"The relaxation exercises were very helpful. The general discussion in the group was helpful as it's interesting to hear other peoples' experiences and the ways they have of coping with different issues"

"I wish I had been to this a long time ago. I would like to come again. Please do this again."

"Learning that being assertive can be a positive thing. I found that today's session was particularly helpful for me. Breaking down the components helped me to see the differences and understand what they meant and how to identify the behaviour."

"The meditation was amazing for me. The examples given like driving a car you get better at it and like watching a movie we leave feeling sad but knowing it was just a movie. This session is so interesting and I feel really inspired and hopeful."

"Being surprised how similar some of our thoughts were. I found it really helpful. Discovering a couple of catch-phrases that will work for me as a trigger to relax. Being given the permission to not worry or feel guilty and how to 'simply' push through those feelings and let go. Visual prompts of how to be able to prioritise myself. Feeling that it's ok and can take time."

Service Development

A literature review of services and models for victims of a range of offences was provided by consultants, Urbis for the Service Model Project. The project is designed to enquire into and report on a best practice service delivery for Victim Support ACT.

Victim Support ACT takes seriously its responsibility to build 'industry' capacity and quality in services to victims of a range of different offences. It provides a supportive environment for student work placements and to student interns and new graduates from a number of disciplines. While capacity is limited due to service demands, over the reporting period, Victim Support ACT provided work placement to a social work student, a counselling student and a psychology student. Working relationships with the Australian Catholic University, University of Canberra and the Australian National University continue to evolve to support our shared interest in building the capacity of the victim support industry.

Professional development is strongly supported within Victim Support ACT. Over the reporting period, staff attended a number of training courses and conferences and reported back to the team through group feedback sessions. Staff also attended mandatory JACS induction training and other courses available under the Department's learning and development framework. Approved providers have been invited to team meetings to provide in-service training on aspects of their practice. Staff have attended interagency meetings and hosted other service agencies at in-house team meetings.

Senior managers undertook investigation of a new intervention called Neurofeedback as a potentially fruitful initiative for clients.

Learning to Live Program

The Learning to Live Program is a pilot initiative that has evolved out of the complex needs that staff saw for children, young people and parents (in particular mothers) following victimisation. The impacts and consequences especially of family violence can be profound and long lasting. Mothers, usually the victims of family violence, especially find their parenting capacity is undermined as they struggle to cope.

Experts now identify developmental trauma as a specific diagnosis for children and young people where normal development is interrupted, sometimes persistently, and inter-mixed with traumatic events such as violence. Commonly inter-twined with developmental trauma are conditions such as dyslexia and ADHD. The combination often results in behavioural problems that severely impact on children's capacity for learning. This then undermines the opportunities they have to break the cycle of violence.

Staff in Victim Support ACT have developed specialist assessment for families with these complex needs. Particular providers have been engaged to undertake

educational and related assessments. Case plans arising from these assessments typically involve measures including irlen glasses and tutoring in addition to activities designed to help children manage their behaviour (eg an individualised physical activity).

Families are often also engaged with a number of other services including education and care and protection authorities. Consequently the program can involve staff in devising and managing complex plans across a number of service sectors.

The Learning to Live Program is long term and intensive and therefore resource intensive. The piloting of the program will evaluate its usefulness and effectiveness with families, and identify options for the sustainability of its activities.

Justice Advocacy Services

When Victim Support ACT was established in 2007, there was a 10% overlap in client groups between the Office of the Victims of Crime Coordinator and the Victims Services Scheme. A snapshot review in this reporting period identified that the proportion of clients with justice engagement now stood at 66%.

The provision of justice advocacy services cuts across a number of offence categories and can include:

- Liaison with & advocacy on behalf of a client with justice agencies.
- Provision of case status information.
- Information about the criminal justice process, and the rights & responsibilities of witnesses.
- Information about legal rights and entitlements across a range of legal areas.
- Preparation & assistance with victims of crime financial assistance applications and submissions regarding reparation orders.
- Preparation & assistance with Victim Impact Statement.
- Assistance with Victim Registration in adult & youth corrections and with regard to forensic patients.

Clients and victim support staff consistently find the procedures relating to victims of crime financial assistance scheme to be extremely time-consuming, emotionally draining and inefficient. While the scheme is a valuable means to assist people with the impact and consequences of crime, the process and procedural inefficiencies and bureaucratic demands are wasteful in terms of time and resources. For some clients the process can be more challenging than the criminal process. Clients also experience confusion about the respective roles of the ACT Government Solicitor and court staff.

Victim Support ACT staff conduct regular liaison with the Witness Assistance Service (WAS) within the Office of the Director of Public Prosecutions. The liaison

has improved the coordination of support and information provision to people engaged in the justice process. The working partnership is highly regarded by victim support staff who value the professionalism of the WAS staff. It is hoped that the productive working relationships established will form the basis of further procedural developments in the coming year.

Homicide Families Support Program

The evolution of the Homicide Families Support Program came about as a result of the increase in the proportion of people impacted by murder, attempted murder, death by dangerous driving, and manslaughter. Each death ordinarily results in approximately 6 to 10 clients being family and friends predominately.

Victim Support ACT has implemented an internal approach to the management of major matters and for the assignment of homicide clients to senior staff. Case management with homicide families is extremely intensive and takes place over a number of years. Victim support staff may be the one constant connection that family members have throughout long justice processes that pass people from agency to agency.

Over the reporting period, Victim Support ACT has developed a very productive working relationship with investigators and victim liaison staff within ACT Policing Criminal Investigations team. The working partnership is highly valued by staff and clients. Key to the partnership is a high degree of care around management of information (especially evidentiary) and client care.

In building the new program staff conducted site visits during the reporting period to the NSW Homicide Victims Support Group and the NSW Coroners Counselling Service. The comprehensive focus of these agencies working together comprise a model for future development within Victim Support ACT should resources allow.

Integrated Victim Support Database

Victim Support ACT received \$96,000 capital and \$110,000 revenue over four years in the 2008-09 Budget for an integrated database.

InTACT was engaged to conduct the business analysis and develop technical specifications for the construction of the database. Expenditure of \$38,696 was absorbed within the Victim Support ACT budget over the reporting period. A detailed design specification was received in the reporting period that costed the database at \$572,000.

Investigation of an alternative approach being the development of a database from the SharePoint platform was commenced. However, this approach was rejected on the basis of feedback from other users, and on concerns about its stability, useability and sustainability as a database.

As a consequence, the funds were returned to the Department of Justice and Community Safety pending consideration of options.

New Premises

Over 2009-2010, Victim Support ACT was finally able to move into accommodation specifically designed for it as a new agency and for the unique needs of the client group. In particular the purpose-built and sound-proofed interview and counselling rooms are particularly welcome. In the coming year, the rooms will be further enhanced through decoration, equipment and toys useful for work with clients of different ages and with different needs.

Business Audit

In 2009-2010 the ACT Department of Justice and Community Safety conducted a Rolling Compliance Audit Programme. The programme tests key compliance related to internal controls covering key legislative, regulatory, fraud and integrity risks. The audit objectives covered internal control and consistency of cash management procedures and processes, purchasing and procurements of goods and services including single select procurement, and the implementation of fraud and corruption control.

Findings were positive for the new business and operational processes within Victim Support ACT. Auditors found no procedural or non-compliance issues from testing around payment controls invoice processing, single select and capital works. Specific controls around appointment, approval and payment of service providers were tested and no issues were noted. Notwithstanding the positive findings, Victim Support ACT imposed some additional controls being the centralisation of access to petty cash.

The positive audit findings were largely due to the rigorous and professional implementation of internal control procedures by the financial and administrative team within Victim Support ACT.

A.4 Outlook for 2010–2011

Victim Support ACT will be significantly affected by changes proceeding from proposed amendments to the *Victims of Crime Act 1994*. The new administrative arrangements are likely to require a further period of re-structuring and re-modelling of operational processes.

The evolving arrangements with ACT Policing and other government and community agencies will continue to build client service demand on the already stretched service capacity.

Therefore the priority for Victim Support ACT for 2010-11 will focus on options to meet that demand and to sustain client case management, and to improve efficiencies. A key focus will be reform of the *Victims of Crime Regulations 2000*.

Options for resourcing the recommendations of the InTACT report for a victims database will also be a priority. The temporary 'access' database creates inefficiencies for staff and does not include capacities for case management that are generally considered best practice.

Further priorities for 2010-11 will include:

Service Development and Enhancement

- Consolidate internal procedures and documentation for new service programs.
- Develop policies and protocols with other government and community stakeholders.
- Participate in the development, review and evaluation of the Wraparound program.
- Build on the outreach program for Aboriginal and Torres Strait Islander victims of crime.
- Implement new contracting arrangements with private providers.
- Seek improvements to the processing of applications for victims of crime financial assistance.

Client Support

- Review client documentation materials.
- Develop options for case allocations and caseload management.
- Develop an evaluation framework of services.
- Launch and promote the new website for victims of crime about the criminal justice system.
- Implement a waiting list for client appointments.

Professional Development

- Develop practice guides for staff on the victim support package & other options for financial assistance; and in providing court support.
- Provide opportunities for new providers and staff to interact and develop working relationships.
- Actively implement staff Personal Achievement & Development Plans.

A.5 Management Discussion and Analysis

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

A.6 Financial Report

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

A.7 Statement of Performance

Discussion on performance is contained within the Annual Report of the Department of Justice and Community Safety.

A.8 Strategic Indicators

The primary performance measure for Victim Support ACT is to provide an immediate telephone response during business hours to people calling the 1800 number for telephone advice, information and assistance.

The second performance measure is that victims are able to speak in more detail to a victim support worker within 10 working days of their first reception contact with Victim Support ACT. This intake appointment can be delivered either face-to-face or over the telephone depending upon the needs of the client. The performance target for this measure is that 80% of clients referred from reception to intake appointments will be seen within 10 working days. This occurred in **78%** of cases in the reporting period.

Victim Support ACT also supports the statutory functions of the Victims of Crime Coordinator to promote and protect victims' rights. The strategic indicator being *the number of community members made aware of their rights* is new for the reporting period.

A baseline can, however, be found in the joint ACT Policing/Victim Support ACT research identifying that only 19% of victims who reported the incident to police were informed about victim services.

In addition, a report by the Victims of Crime Coordinator (August 2008), *Victims' Voices*, sought views from people who were victims of crime. This survey found that the majority were treated fairly and with sympathy. However, the majority did not consistently receive their rights under the *Victims of Crime Act 1994*.

A.9 Agency Performance

Information on how well Victim Support ACT has performed in meeting its objectives is contained at page 39 of this Annual Report.

A.10 Triple Bottom Line Reporting

Discussion on triple bottom line reporting is contained within the Annual Report of the Department of Justice and Community Safety.

SECTION B: CONSULTATION AND SCRUTINY REPORTING

B.1 Victim Support ACT and the Community

Victim Support ACT is active in seeking and sustaining collaborations with community organisations. In particular, it is responsible for management of the contract between the Department of Justice & Community Safety and VOCAL (ACT) Inc. This is discussed at page 45 of this Annual Report.

Victim Support ACT has developed its working relationship with the Domestic Violence Crisis Service (DVCS) over the reporting period. In particular a referral form has streamlined the referral of clients between the services and consolidated aspects of information exchange. In addition, Victim Support ACT is developing the Learning to Live Program with DVCS clients in mind. The outcome of these developments is an increase over the reporting period in the proportion of clients referred by DVCS. They now comprise 11% of referrals coming to Victim Support ACT.

The working relationship between Victim Support ACT and the Canberra Rape Crisis Centre continues to develop especially with regard to the Wraparound Program. The collaboration with CRCC in the provision of the training course helped share knowledge and expertise.

The Women's Legal Centre (WLC) and, in particular, the Indigenous Women's Legal Program, is strongly supported by Victim Support ACT. The WLC is often the only reliable and consistent source of legal advice and assistance to many Victim Support ACT clients and we value their expertise. Legal Aid ACT provides advice to certain clients where no conflict exists.

Over the reporting period Victim Support ACT has engaged with a wide range of community organisations including the Canberra Men's Centre and Supportlink.

Community Education

Victim Support ACT undertakes community education activities when it can. However, resource constraints precluded a substantive schedule of activities over the reporting period.

Community Engagement

Victim Support ACT undertakes to engage with the community as the need arises. These activities are described below.

Line Area	Project	Consultation Process	Groups/ Individuals Consulted	Approximate No. Consulted	Outcome
	ATSI Access to Services	Consultants engaged to conduct focus groups & interviews	Young Women's Group (Gugan Gulwan), Women's Group (Winnunga) Men's Group (Winnunga) Grannies' Group	31 (+ 5 staff)	No yet finalised

Workplace Giving Scheme

Victim Support ACT staff were provided with information about the workplace giving scheme.

B.2 Internal and External Scrutiny

Some internal and external scrutiny of the activities of Victim Support ACT took place over 2009-2010 during the review of the *Victims of Crime Act 1994*. In particular, in response to external concerns about the management of complaints about the service (of which none were formally received), staff received internal briefing about Victim Support ACT policy and procedures.

Agency	Nature of Inquiry	Recommendations/ Outcome of Inquiry	Response to the Outcome of the Inquiry
Victim Support ACT	Review of legislation	Nil recommendations in reporting period	Staff received internal briefing about Victim Support ACT policy and procedures for: <ul style="list-style-type: none">• Responding to complaints about Victim Support ACT• Responding to complaints about Approved Providers• Responding to complaints about agencies engaged in the administration of justice• Assisting the Victims of Crime Coordinator with regard to complaints about agencies engaged in the administration of justice.

B.3 Legislative Assembly Committee Inquiries and Reports

There were no commenced or completed inquiries by Legislative Assembly Committees that relate to the operations of Victim Support ACT to report over the period 2009-2010.

B.4 Legislation Report

Victim Support ACT is responsible for the implementation of the *Victims of Crime Regulations 2000*. Performance in relation to these Regulations is reported at pages 38-44 of this Annual Report.

Victim Support ACT also supports the Victims of Crime Coordinator discharge statutory functions in relation to the *Victims of Crime Act 1994*, and supports the Domestic Violence Project Coordinator discharge statutory functions pursuant to the *Domestic Violence Agencies Act 1986*.

SECTION C: LEGISLATIVE AND POLICY BASED REPORTING

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

- Risk Management And Internal Audit (Section C.1)
- Fraud Prevention (Section C.2)
- Public Interest Disclosure (Section C.3)
- Freedom of Information (Section C.4)
- Internal Accountability (Section C.5)
- Human Resource Performance (Section C.6)
- Workplace Health and Safety (C.9)
- Workplace Relations (C.10)
- Strategic Bushfire management Plan (C.11)
- Strategic Asset Management (C.12)
- Capital Works (C.13)
- Commissioner for the Environment (C.18)
- Ecologically Sustainable Development (C.21)
- Model Litigant Guidelines (C.23)

C.7 Staffing Profile

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

TABLE13: Total Number Employees

Paid Head count	Paid FTE	Female HC	Male HC	%Female HC	%Male HC	Female FTE	Male FTE	% Female FTE	% Male HC
15	15	15	0	100	0	15	0	100	0

TABLE 14: Classification of Employees

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

TABLE15: Employment Category

EmpCat	Category of Employment	Female	Male
FP	Full-time Permanent	10	0
FT	Full-time Temporary	3	0
PP	Part-time Permanent	2	0

TABLE16: Length of Service

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

TABLE 17: Age Profile of Employees

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

C.8 Learning and Development

Over 2009-2010 Victim Support ACT staff attended a number of training courses and conferences. Staff have an allocation of \$1,000.00 per person per year for attendance at relevant training. The wide range and diversity of courses attended reflects the complexity of the work with victims of crime.

Initiative	No. of Participants
Client Service Training	
Understanding Mood Disorders	1
FVIP Training	2
Working with Clients with Complex Needs	4
Indigenous Cultural Training	6
Emotional Resilience	1
ACT Mindfully/Mindfulness	3
Responding to Family Violence Conference	12
SARP Training	8
Managing and Assessing Suicidality	5
Clients with Borderline, Antisocial and Narcissistic PD	10
But Life here is Different	2
Understanding and responding to clients with	2
Traumatic Loss and Bereavement	1
The Tapestry of Trauma Conference	3
Narrative Therapy	3

Initiative	No. of Participants
Frontiers of Trauma Treatment	3
Children Who Challenge Us	1
Adults Surviving Child Abuse	1
Healing Broken Bonds	1
Working with Hard to Hold Patients Therapy	1
Relationships Australia	3
Management & Administration Training	
Procurement (Introduction)	2
OH&S for Managers	6
High Impact Speech Writing	1
Privacy Legislation	1
JACS Induction	4
Writing for Government	1
Giving and Receiving Feedback	1
Workplace Harassment and Bullying	1
DeEscalation Training	1
Records Management	1
Financial Management	1
Superannuation Planning	1
Understanding Legislation	1
Becoming an Effective Supervisor	1

C.14 Government Contracting

A contract in the amount of \$17,200 was implemented to engage consultants to conduct consultation fora with members of the Aboriginal & Torres Strait Islander communities. Consultants were Tracey Whetnall & Sharon Payne & Associates.

C.15 Community Grants/Assistance/Sponsorship

No	Organisation/ Recipient	Project Description/ Process/Period of time engaged	Outcomes	Amount
1	Victims of Crime Assistance League (VOCAL) Inc.	Recruit & train community volunteers Single select tender 2007-2010		\$167,977exclusive of GST per annum.

C.16 Territory Records

Over the reporting period, officers within Victim Support ACT continued to work with relevant officers in the Department of Justice and Community Safety to implement records management and disposal. The documentation has been completed and approved. Files from the earlier entities remain to be archived.

C.17 Human Rights Act 2004

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

Consistent with this Victim Support ACT provides a publication outlining client rights and responsibilities to all new clients that is consistent with the *Human Rights Act 2004*.

C.19 Multicultural Strategy 2010-2013

Victim Support ACT is committed to ensuring its services are accessible to all in the community.

Focus Area	Progress
Refugee Communities	Staff participated in training opportunities directly relevant to working with people who have experienced migration, war and torture trauma
Children & young people	Development of pilot Learning to Live Program for victims of family violence Fit-out of a counselling room specific to children & young people
Women	Staff participated in training opportunities directly relevant to working with women who have experienced sexual or physical abuse as adults or children

C.20 Aboriginal and Torres Strait Islander Reporting

Victim Support ACT is committed to service delivery that respects Aboriginal and Torres Strait Islander people and which promotes accessibility. Victim Support ACT has developed an access to services plan 2008-2011 for Aboriginal and Torres Strait Islander people. A consultation project was developed to follow-on from the research report, *We Don't Shoot Our Wounded*. The consultation sought feedback from Aboriginal and Torres Strait Islander people about knowledge of the service, how people seek help following an adverse event, preferred aspects to service delivery and ideas for responding to Aboriginal and Torres Strait Islander victims.

C.22 ACT Women's Plan 2004-2009 and 2010-2015

Victim Support ACT is committed to service delivery that promotes and supports women's access to service. Women constitute **63%** of the clients to the agency.

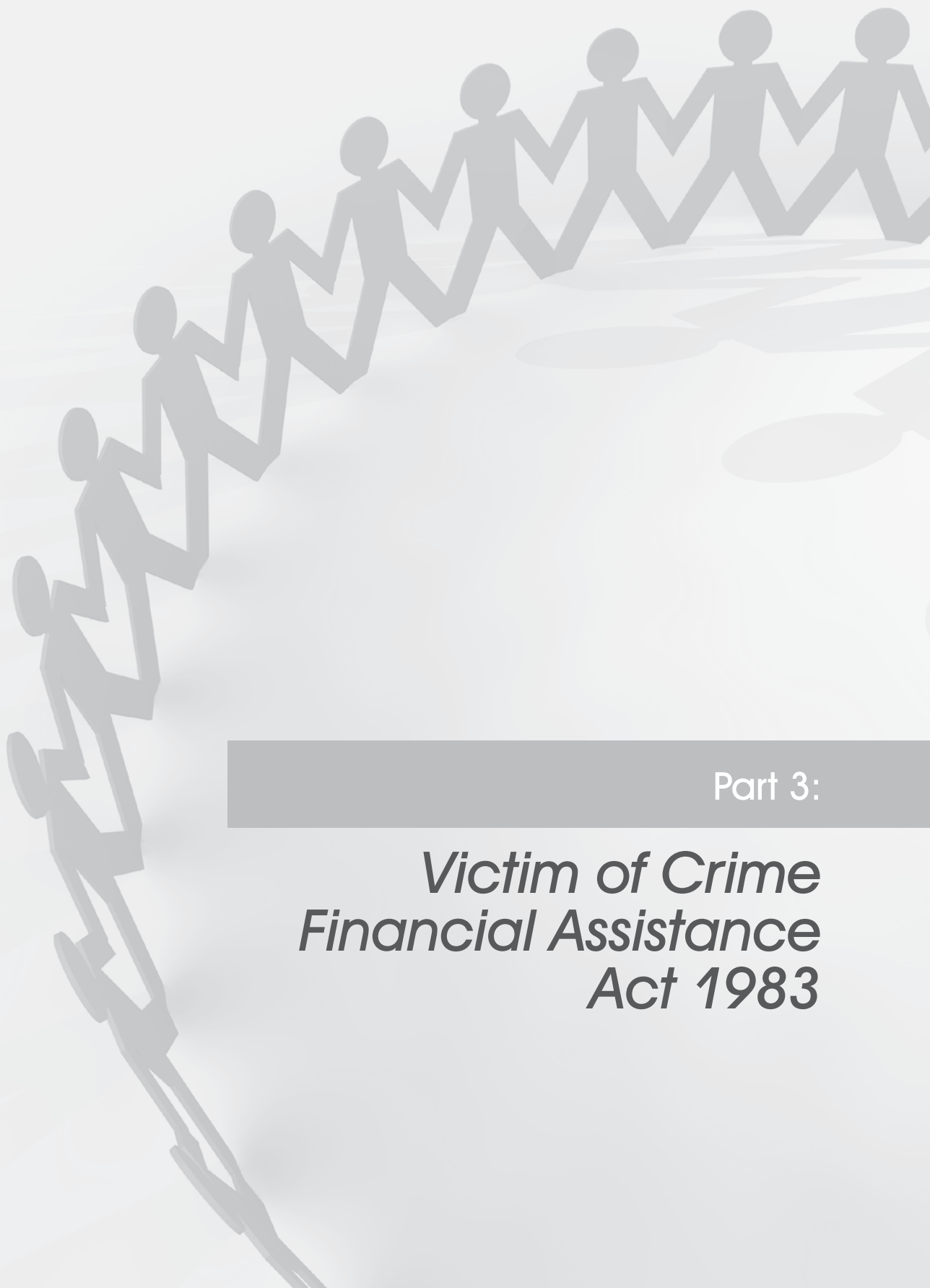
Staff within Victim Support ACT supported the Victims of Crime Coordinator and the Domestic Violence Project Coordinator to promote safe, inclusive communities through involvement in:

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

The activities of Victim Support ACT respond to traumatic events and incidents that affect women in their social environment, whether this is inside the home or in public spaces. The interventions that Victim Support ACT provides after victimisation then seeks to restore the individual to participate in the *social, economic and cultural life of their community* (section 20(a)(ii) Victims of Crime Regulations 2000).

Advisory Boards and Committees

Staff in Victim Support ACT participate in the Victims Assistance Board, the Disaster Recovery Counselling Committee and the Mental Health Act Reform Advisory Committee.



Part 3:

*Victim of Crime
Financial Assistance
Act 1983*

Introduction

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

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

Explanation as to the operation of the Act for the financial year 2009–2010

Establishment of the Scheme

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

Eligibility for Financial Assistance

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

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

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

Determination of Applications

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

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

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

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

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

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

Solicitor, conferences are now being listed at least 4 weeks later than the date of filing of the application so as to allow more fruitful negotiations between the parties.

The Court may make an interim award of financial assistance pending the making of a final award to the applicant where it is satisfied that an award should be made to an applicant, and it does not have sufficient information before it to determine the final amount of financial assistance to be awarded (section 43 of the Act). Of the 58 awards made in the reporting year, 17 were interim awards.

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

Basis of Financial Assistance

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

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

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

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

A related victim, who is defined as a close family member, a dependant or a person with an intimate personal relationship with a deceased primary victim (section 16 of the Act), can be awarded financial assistance for reasonable expenses (including the costs, other than legal, of making the application) incurred as a result of the injury and

death, and the pecuniary loss suffered as a consequence of total or partial incapacity for work as a consequence of the injury and death (sections 17 and 19 of the Act). Special assistance in the amount of \$30,000.00 may also be awarded by the Court (section 19(2)(a) and (b) of the Act). An eligible property owner is defined as a person whose property is damaged while the person is assisting a police officer in the course of certain action by the police officer (section 21 of the Act). An eligible property owner may be awarded financial assistance for reasonable costs incurred as a result of damage to property up to a maximum of \$50,000.00 (section 23 of the Act).

What constitutes “an expense reasonably incurred” (section 10(1)(a) of the Act) is of interest to victim support providers and to the profession. Apart from the usual expenses such as medical and dental costs, some further examples include:

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

Limits of Financial Assistance

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

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

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

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

Recovery of Financial Assistance

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

Provisional orders for restitution can only be made by the Court upon application by the Territory. The Registrar received 9 such applications in the reporting year. All of those applications resulted in provisional orders for restitution being made by the Court. There were 12 provisional orders confirmed during the reporting year.

Compensation Levy under the Act

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

For the reporting year there were 1,638 compensation levies imposed by the ACT Magistrates Court.

The total amount for compensation levies imposed in the reporting year was \$81,934.00. An amount of \$41,485 was paid for compensation levies in the reporting year.

Table 1 - Total number of applications lodged

Reporting Year	Total number of applications lodged
2004 – 2005	105
2005 – 2006	111
2006 – 2007	84
2007 - 2008	114
2008 – 2009	72
2009 - 2010	101

Table 2 – Awards made, tabulated by application date

Period in which application lodged	Total amount awarded	Number of awards
Before 24 June 1998	\$ 5,329.53	1
From 24 December 1999	\$ 717,652.03	57
Total	\$ 722,981.56	58

Table 3 – Awards by type of crime

Crime	No. of awards 2009-2010	Pain and suffering	Total award	Pain and suffering as a % of total award	Average award
Armed Robbery	1	\$0	\$ 6,267.70	0	\$ 6,267
Assault	24	\$0	\$109,059.78	0	\$ 4,544
Assault and Robbery	2	\$0	\$ 1,703.00	0	\$ 851
Attempting to Effect an Arrest	9	\$ 54,700.00	\$ 56,084.55	98	\$ 6,231
Domestic Violence	1	\$0	\$ 30,000.00	0	\$30,000
Home Invasion	1	\$0	\$ 1,926.00	0	\$ 1,926
Sexual Assault	20	\$444,670.00	\$517,940.53	86	\$25,897
Total	58	\$499,370.00	\$722,981.56	69	\$12,465

Table 4 – Pain and Suffering

Victim type	Number of Awards
Police Officers	9
Sexual Assaults	20
Special Assistance	2
Old pain and suffering	1
Total	32

2009–2010 Summaries

Magistrates Court

Number		Total Award	Date of Award
99/23	A male victim became involved in an argument between 2 males in a nightclub toilet. One of the males turned to the victim, punched him, causing him to lose consciousness and consequently suffered many head injuries. An award pursuant to sections 6(1)(a) and 5(4) of the Criminal Injuries Compensation Act 1983 was made.	\$10,281.16	24/08/09
02/48	The applicant was sexually abused in a relationship with a male known to her; she now suffers psychological injury and requires counselling. The offender was convicted of having sexual intercourse with a person under 16 years of age and sentenced to 18 months imprisonment. An award pursuant to sections (10)(1)(a), (c) and (f) was made.	\$39,306.80	15/01/10
02/69	A male was assaulted at a hotel by a person known to him; he was hit in the face and fell unconscious. He is undergoing extensive dental work. A further interim award pursuant to section (10)(1)(a) was made.	\$4,725.00	23/04/10
03/22	A 14 year old female was sexually assaulted by 3 unknown males at a bus interchange. The attack has left her with a chronic psychological disorder that is moderately disabling. A final award pursuant to section 10(1)(f) was made after an interim amount was awarded in 2005.	\$10,000.00	29/09/09

Number		Total Award	Date of Award
05/68	The male applicant was in custody when he was assaulted by another inmate in an unprovoked attack. He sustained facial lacerations, damage to his teeth, neck trauma and double vision. An interim award pursuant to section 10(1)(c) was made.	\$170.00	1/06/10
06/06	A male victim was assaulted with a weapon by a fellow resident of a halfway house. This attack resulted in the victim suffering multiple fractures of the skull and arms, lacerations, brain injury, damaged teeth, shock and trauma. A further interim award pursuant to section (10)(1)(a) was made.	\$8,741.60	04/12/09
07/14	The male applicant was approached by 2 men and assaulted with a baseball bat outside his block of flats. His injuries included a skull fracture with a brain haemorrhage. It has affected his speech and suffers from nausea and numbness to his face and arm. An interim award pursuant to sections (10)(1)(b) and (c) was made.	\$4,932.90	17/02/10
07/53	A university student was sexually assaulted after concerned people placed her in a taxi, she was later taken to hospital after fellow students called an ambulance. Her initial injuries included bruising, abrasions and distress; she now suffers from a post traumatic stress disorder. An award pursuant to sections (10)(1)(a), (b) and (f) was made.	\$50,000.00	11/01/10

Number		Total Award	Date of Award
07/58	A male was the victim of a robbery and an unprovoked attack by unidentified people in a car park. His injuries included a fractured orbital socket, concussion and damage to his teeth. An interim award pursuant to sections 10(1)(a), (b) and (c) was made.	\$3,040.95	29/06/10
07/59	A young male was assaulted by a group of youths in a shopping centre. The main perpetrator was charged with grievous bodily harm, convicted and sentenced to 2 years imprisonment. The victim suffered traumatic brain injury, multiple facial fractures requiring metal plates inserted and was hospitalised for 2 months. He now suffers from loss of sensation to a hand, anxiety, serious depression and various other psychological problems. An award pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(d) was made.	\$30,202.85	28/5/10
07/65	A pregnant female applicant was the victim of domestic violence; she was punched several times and choked until she became unconscious. She was also the victim of an act of indecency by her mothers de facto. As a result the victim has suffered quite significant psychological injury. Both offenders were convicted and served a prison sentence. An award pursuant to section 10(1)(f) was made, and a further award pursuant to section 10(1)(c) was made.	\$25,000.00 \$2,553.00	1/09/09 15/06/10
07/67	A female victim was sexually assaulted by a known person. The incident was reported to police although no charges were laid. An award pursuant to sections 10(1)(a), 10(1)(b) and 10(1)(f) was made.	\$11,147.60	9/02/10

Number		Total Award	Date of Award
07/68	The male applicant was assaulted in the car park of a night club. He was elbowed in the mouth and fell to the ground. The injury resulted in the loss of one tooth and damage to two additional teeth. A further interim award pursuant to section 10(1)(a) was made.	\$1,175.00	10/11/09
07/75	A university student was assaulted by a number of youths demanding his phone. He sustained injuries to his jaw and teeth. A further interim award pursuant to section 10(1)(a) was made.	\$6,225.30	9/12/09
07/94	A young male was walking with a friend and accidentally bumped into a group of people; he was knocked unconscious and woke up in hospital. He suffered amnesia, a fractured nose, teeth and head injuries. An award pursuant to section 10(1)(a) was made.	\$1,129.90	29/03/10
08/3	A female was sexually assaulted by an unknown person after leaving a bar; the incident was reported to the police. The victim now suffers various psychological injuries including depression, anxiety and post traumatic stress. An award pursuant to sections 10(1)(a), 10(1)(b), 10(1)(c) and 10(1)(f) was made.	\$45,331.60	11/02/10
08/7	A male was robbed of his phone and wallet and assaulted with a hammer by two unknown males who also hit the windscreen of his car with a pickaxe. An award pursuant to sections 10(1)(a) and 10(1)(c) was made.	\$6,267.70	9/04/10

Number		Total Award	Date of Award
08/23	The female applicant was a victim of domestic violence; she was sexually assaulted by her ex partner. She has become fearful for her safety; has inability to trust, suffers from low self-esteem, lack of confidence and escalated anxiety levels. An award pursuant to sections 10(1)(a) and 10(1)(f) was made.	\$14,000.00	24/07/09
08/24	A female police officer was attempting to place a male person in a police cell when he fell onto the officer causing injuries to her right shoulder and arm; she also suffers from psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$6,194.55	8/07/09
08/26	A male student was assaulted by an unknown male at a recreation area, after the assault the offender and his associates threw rocks at the applicant and his friends. He sustained injuries to his jaw, teeth and right collarbone. An interim award pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(e) was made.	\$5,241.30	1/09/09
08/33	The applicant is the person responsible for the maintenance of a young man who was assaulted by strangers. He was struck in his jaw causing dental problems. Further interim awards pursuant to section 10(1)(a) and 10(1)(c) were made.	\$710.00 \$700.00 \$2,726.00	6/10/09 27/11/09 24/02/10
08/36	A male person was assaulted in front of his home and stabbed with a screwdriver, causing injury to the left side of his face and body. An award pursuant to section 10(1)(b) was made.	\$1,056.99	04/03/10

Number		Total Award	Date of Award
08/39	A female person was sexually assaulted over 10 years by her stepfather who is now deceased. Award pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(f) was made.	\$50,000.00	11/12/09
08/48	A young female person was raped over the period of a year by a teenager known to the family. The offender was charged and given a 12 month probation order. Award pursuant to sections 10(1)(c) and 10(1)(d) was made.	\$40,770.00	28/07/09
08/49	A young male person was raped over the period of a year by a teenager known to the family. The offender was charged and given a 12 month probation order. Award pursuant to sections 10(1)(c) and 10(1)(d) was made.	\$20,770.00	28/07/09
08/52	The male victim was camping and had been talking with the offender. He was hit from behind and lost consciousness, when he came to, his car and all his belongings including work tools were on fire, the offender also tried to push him into the fire. He suffered head injuries, burns and dental damage. An interim award pursuant to section 10(1)(a) was made.	\$2,152.00	27/04/10
08/70	A male police officer whilst pursuing a male person fell while chasing the male person and suffered injury to his left arm and wrist as well as abrasions to his hands, forearms and knees. An award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$11,336.00	25/08/09

Number		Total Award	Date of Award
08/75	A male police officer pursuing young persons who were trespassing on a school property fell causing injuries to his left ankle and general bruising and abrasions, he also suffers from psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$11,114.00	6/10/09
08/77	The young female applicant was approached by a group of young men. She was sexually assaulted by an unknown person and the incident was reported to the police. She suffered extensive facial bruising and a fractured cheek bone, she now suffers from mental trauma, anxiety and depression. An award pursuant to section 10(1)(f) was made.	\$8,000.00	10/03/10
08/80	A female victim, staying at a motel was sexually abused by a motel worker who stole a key and entered her room. She now suffers mental and emotional injuries sustained from the attack. An award pursuant to section 10(1)(a) and 10(1)(f) was made.	\$24,000.00	29/09/09
08/85	A male victim while on remand was sexually assaulted by another detainee. The victim has suffered serious psychiatric injury because of the assault. Award pursuant to sections 10(1)(c) and 10(1)(f) was made.	\$31,136.00	29/09/09
08/88	A male police officer was injured during the course of his employment with the AFP. The officer suffered laceration to his head and loss of consciousness, injury to ribs and neck, general bruising and psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$5,727.00	11/12/09

Number		Total Award	Date of Award
09/7	A female student was assaulted when leaving a nightclub by an unknown person. She was attacked from behind and fell causing her to lose consciousness. Her injury included broken teeth, cuts and bruises and now suffers from psychological injury. An award pursuant to sections 10(1)(a) and 10(1)(b) was made.	\$3,562.45	24/07/09
09/9	A male police officer was attempting to arrest a male person when he was struck in the face, causing the officer to fall back and rendering him unconscious. He suffered injury to his head and now suffers from psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$5,227.00	22/06/10
09/11	A young male applicant on a school trip was sexually assaulted by a family friend/former senator on a number of occasions. The offender died prior to the date he was to appear before the court. An award pursuant to section 10(1)(f) was made.	\$15,000.00	19/08/09
09/17	A female was awoken at night by a person who had broken into her home and was sexually assaulting her. The perpetrator was arrested and sentenced for an Act of Indecency without consent, convicted and sentenced to 12 months imprisonment. She now suffers from emotional symptoms and underwent extensive psychological assessments. An award pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(f) was made.	\$24,459.00	10/03/10

Number		Total Award	Date of Award
09/21	The female applicant is a victim of domestic violence; during the relationship her partner became very controlling and violent towards the victim and her children. She finished the relationship after her partner kicked her dog to death. She now suffers from agoraphobia, post traumatic stress disorder, acute anxiety and hyper vigilance. An interim award pursuant to section 10(1)(d) was made.	\$30,000.00	15/06/10
09/23	A female victim was at a club with friends when she was approached by a stranger and hit in the side of the head and face, resulting in broken teeth. An award pursuant to section 10(1)(a) was made.	\$200.00	16/11/09
09/24	A male police officer was injured during the course of his employment with the AFP while attempting an arrest. The officer suffered injury to his knee and psychological injury. An award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$6,081.00	9/04/10
09/33	A young male applicant was at a bus interchange with his brother and friend when an unknown person approached him and hit him in the face several times causing him to fall backwards onto the pavement; as a result the young male had a fracture to his front tooth. An interim award pursuant to section 10(1)(a) was made.	\$1,303.00	20/11/09
09/38	The male applicant was the victim of an unprovoked attack after a farewell party. His injuries were to his face and included broken teeth and bruising. An award pursuant to sections 10(1)(a) and 10(1)(c) was made.	\$327.00	3/02/10

Number		Total Award	Date of Award
09/43	A male police officer was injured during the course of his employment with the AFP while attempting an arrest. The officer suffered injury to his face, eyes and mouth and psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$4,070.00	6/01/10
09/46	The victim was a young person when she was sexually assaulted by male person babysitting her and her brother. She was also sexually assaulted by a person known to her while teaching her to swim, both men were charged. She now takes medication for nervousness and anxiety. An award pursuant to sections 10(1)(c) and 10(1)(f) was made.	\$36,137.00	30/04/10
09/50	A female applicant was walking home one evening when an unknown person followed and attacked her by striking her with a rock and fist to the face, whilst attempting to steal her bag, as a result the applicant's prescription glasses were broken, she also received cuts and bruises to her face and shoulders. An award pursuant to Section 10(1)(a) was made.	\$1,260.00	30/11/09
09/53	Four males wearing balaclavas and carrying baseball bats and a crow bar, forced entry into a residence and proceeded to assault the victim, steal and damage property. He was taken to hospital suffering a number of serious but not life threatening injuries. An award pursuant to Section 10(1)(a) was made.	\$1,926.00	14/05/10

Number		Total Award	Date of Award
09/54	A male police officer was injured during the course of his employment with the AFP while attempting an arrest on a person threatening people with a knife. The officer suffered injury to his head including concussion general bruising and psychological injury. Award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$3,114.00	17/02/10
09/56	The victim was a young person when she and a friend were sexually assaulted by male person known to them. The perpetrator was identified and subsequently charged. An award pursuant to section 10(1)(f) was made.	\$15,000.00	30/04/10
09/57	A male person while walking home was hit from behind and on the head by four unknown people. Two unidentified bystanders were with him when he regained consciousness; they took him to his home and then onto the hospital. The incident was reported to police. The victim has had extensive dental work, an interim award pursuant to section 10(1)(a) was made.	\$4,701.95	5/02/10
09/60	A female was sexually abused by her step-father as a child. The offender was charged and convicted. She continues to suffer psychological and psychiatric injuries. An award pursuant to Sections 10(1)(c) and 10(1)(f) was made	\$50,000.00	3/02/10
09/68	The male applicant was the victim of an unprovoked attack by a group of youths after leaving a hotel. Attempting to defend himself broke his hand; police were called but were unable to locate the group. An award pursuant to Sections 10(1)(b) and 10(1)(c) was made.	\$3,565.00	22/01/10

Number		Total Award	Date of Award
09/69	A male victim was sharing a taxi home with four other unknown people; they expected him to pay the full fare. When he didn't one of the males exited the taxi at the same time as the victim who now does not have any recollection of exiting the taxi and only regained consciousness once he reached the hospital. He sustained a fractured skull amongst other injuries and now has permanent facial nerve damage. An award pursuant to Sections 10(1)(a), 10(1)(b) and 10(1)(c) was made.	\$11,025.43	18/03/10
09/70	A male police officer was injured during the course of his employment with the AFP while attempting to place a male person into custody at the city watch house. The officer suffered injury to his head, fear of infection and psychological injury. An award pursuant to sections 10(1)(c) and 10(1)(e) was made.	\$3,221.00	4/06/10
10/4	A young male was assaulted by three unknown assailants at nearby playing fields. He was punched repeatedly in the head and chest and suffered physical injuries including chipped teeth; he is now undergoing dental treatment. An interim award pursuant to Sections 10(1)(a) and 10(1)(c) was made.	\$1,164.00	6/04/10
10/8	A young male victim while walking home was attacked by unknown males. He sustained injuries including a broken nose and concussion and was robbed of his wallet, keys and phone, during the incident some clothes were damaged. An award pursuant to Sections 10(1)(a) and 10(1)(c) was made	\$443.00	31/05/10

Number		Total Award	Date of Award
10/33	The victim who has since passed away was sexually assaulted by an employee of a nursing home where she resided. Her daughter incurred costs relating to the incident. An award pursuant to Section 10(1)(a) was made.	\$5,329.53	5/05/10

