

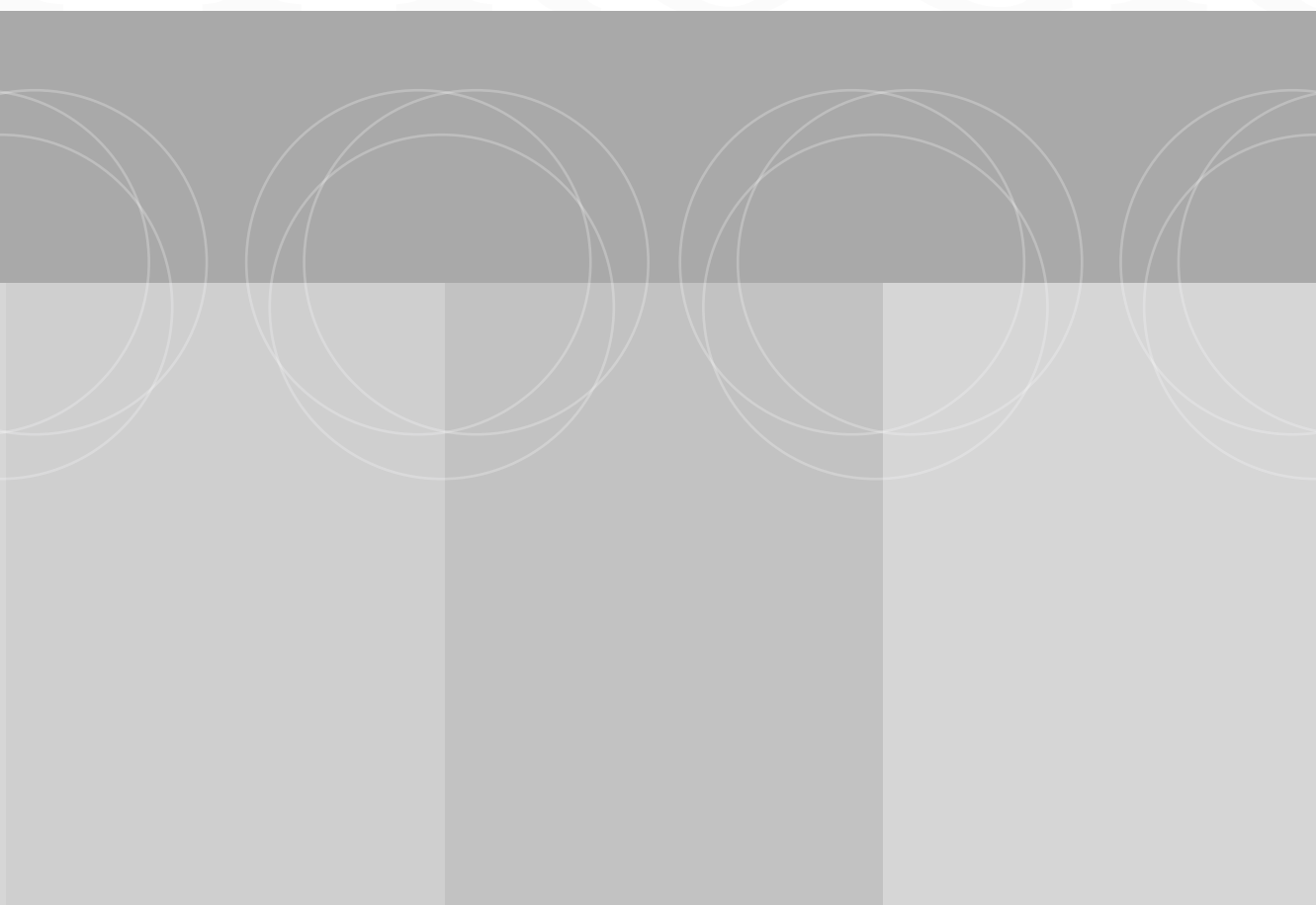


# VICTIMS of CRIME SUPPORT PROGRAM

A N N U A L   R E P O R T   2 0 0 7   –   2 0 0 8

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A N N U A L   R E P O R T   2 0 0 7   –   2 0 0 8



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# Introduction

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





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Friday, 19 September 2008

The Hon 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 2007-2008, pursuant to section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Reports Directions 2007-2010. It has been prepared in conformity with the *Victims of Crime Act 1994*.

I hereby certify that the attached report is an honest and accurate account and that all material information on the operations of the Victims of Crime Coordinator during the period 1 July 2007 to 30 June 2008 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*



# THE VICTIMS OF CRIME CO-ORDINATOR ANNUAL REPORT 2007-2008

## Abbreviations & acronyms

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

1.

## THE VICTIMS OF CRIME COORDINATOR

# SECTION A: PERFORMANCE & FINANCIAL MANAGEMENT REPORTING

## A.1 Organisation

The Victims of Crime Co-ordinator (VoCC) is an independent statutory appointment of the ACT Government. The position was established in July 1995 within the (then) ACT Attorney-General's Department pursuant to the *Victims of Crime Act 1994*. As of July 2007, the position is administered within Victim Support ACT, a new agency within the Department of Justice & Community Safety (JACS).

The Victims of Crime Co-ordinator has the power to:

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

The position-holder also performs the statutory functions of the Domestic Violence Project Coordinator under the *Domestic Violence Agencies Act 2001*.

## A.2 Overview

The primary clients of the VoCC are residents and visitors to the ACT who have become victims of crime. Principal stakeholders of the Office 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 and ACT Corrective Services. Government and non-government services assisting victims of crime are also stakeholders to the VoCC Office.

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

Key objectives of the VoCC Office 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.
- 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.

## A.3 Highlights for 2007-2008

Finalised a report on the operation of the *Victims of Crime Act 1994*, 1996-2007.

Managed a smooth transfer of the Office and integration of some functions to form Victim Support ACT.

Organised and hosted a major national conference called *JUST PARTNERS: Family violence, specialist courts and the idea of integration*, to mark the 10th Anniversary of the Family Violence Intervention Program.

Commissioned research into Indigenous victims of family violence access to justice and services

Commissioned research into the experience of victims of sexual assault with the ACT criminal justice system

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

## A.4 Outlook for 2008-2009

The priorities for the VoCC remain those specified by the Victims of Crime Act 1994, and described as objectives (above). In November 2007, the ACT Government announced a Review of the *Victims of Crime Act 1994*. The VoCC has called for a review of the Act in the past four annual reports so this announcement is very welcome.

Early in 2008, the Department of Justice & Community Safety (JACS) published an Issues Paper to inform the review. Amongst other matters, the Issues Paper for the review proposes some significant enhancement to victims' rights and strengthening of the mechanisms to promote and enforce these rights.

The outcomes of the review are likely to have significant implications for the VoCC. While the Departmental Issues Paper does not expressly canvas abolition of the VoCC position, it may be inevitable if some of the proposals are adopted by Government. For example, the Issues Paper puts forward a proposal for a Commissioner for Victims Rights to respond to allegations that victims' rights have been breached, and further poses that the Commissioner be placed within the Human Rights Commission. The Paper also proposes that the statutory advocacy functions of the VoCC be transferred to the Public Advocate.

Notwithstanding these proposals for the future, the bringing together over 2007-2008 of the statutory responsibilities of the VoCC and the administration of service delivery within Victim Support ACT has raised considerable difficulties and tensions. On a most basic level, the administrative and service demands have significantly reduced the capacity of the VoCC to deliver statutory responsibilities. The change has demanded a clearer delineation between these functions and the administrative functions of the Director of the agency. Both positions are held by the same person.

Therefore, a priority for 2008-09 will be the articulation of policy and procedure within Victim Support ACT when an issue for a client meets criteria for elevation to the VoCC as a complaint. At that point, the matter would be subject to the investigative and reporting obligations of the VoCC.

The VoCC will also work with JACS to develop a framework for the administration and allocation of resources for the statutory responsibilities and for the service functions, and to better define the responsibilities of the Director position.

Specific targets for 2008-2009 also include to:

- Participate in the review of the *Victims of Crime Act 1994*.
- Consolidate the integration of services within Victim Support ACT with a clear delineation between administrative and statutory functions.
- Publish research reports into *Access to Justice for Indigenous Victims of Family Violence* and into *The Experience of Justice in the ACT of Victims of Sexual Assault*.
- With other agencies, to develop a refreshed strategic direction for the Family Violence Intervention Program (FVIP).
- As Domestic Violence Project Coordinator, to work with the Domestic Violence Prevention Council in implementing strategic priorities.

## The Statutory Office

The Victims of Crime Coordinator's Annual Report for 2006-2007 discussed the implications of the bringing together of the human and other resources of the VoCC Office with those of the Victims Services Scheme (VSS).

From early 2001 to June 2007, the VoCC Office consisted of two people hosted within ACT Courts & Tribunals. The support and assistance provided by courts and tribunals over those many years has been substantial and very much appreciated. Being located within the heart of the administration of justice proved to be beneficial both to clients and to raising the profile of the requirements of the *Victims of Crime Act 1994*.

The integration of the VoCC Office and the VSS has delivered the intended more seamless service for victims of crime. The new resources provided by ACT Government for victims have facilitated this process. The new agency has improved access to counselling, support and justice advocacy.

A specific focus on promoting the rights and entitlements of victims within the administration of justice is delivered within the new agency by the Justice Advocacy Unit. The work of this unit more directly but not exclusively supports the statutory responsibilities of the VoCC and the General Principles of the *Victims of Crime Act 1994*.

Reform of the *Victims of Crime Act 1994*, should further strengthen responses to victims of crime by:

1. expanding and strengthening victims' rights per se, and
2. clarifying and strengthening the role, responsibilities and powers of the statutory advocate, the VoCC (or replacement).

A report of the VoCC examined the operation of the *Victims of Crime Act 1994* from 1996 to 2007 and was published in the reporting period. The report, called *The Quality of Justice*, makes a number of recommendations that:

1. The review of the Victims of Crime Act 1994 that has been announced by the ACT Government be a wide-ranging and thorough consideration of the attributes essential to enable members of the community who are victims of crime to engage with and participate effectively in the administration of justice, the extent to which victims' 'rights' can be strengthened and universally applied, and how these rights can best be protected and promoted.
2. The review should actively seek the views of victims of crime about their experiences in the administration of justice in the ACT.

3. The review of the Act should also include a review of the role, functions and powers of the Victims of Crime Coordinator, and of the investigation and reporting procedures following an allegation of a breach of the Act.
4. An independent evaluation of the effectiveness of the legislation in meeting the interests of victims of crime in all their diversity should be conducted.
5. Concrete and inclusive measures be implemented across all agencies in the administration of justice to ensure that all victims be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to his or her personal situation, rights and dignity.
6. All agencies in the administration of justice develop and implement policies and procedures outlining these measures as service deliverables to victims of crime. The policy framework should state standards to the timeliness and quality of the service to be provided and should state performance measures.
7. All agencies in the administration of justice should develop training modules on victims of crime and their interests, and the particular policy & procedural framework of that agency and other relevant agencies. The training should be delivered regularly as part of the core and in-service professional development for new staff and for existing staff.
8. All agencies in the administration of justice should regularly make available to staff attendance at conferences, workshops and other activities relevant to the involvement of victims of crime in the administration of justice.
9. All agencies in the administration of justice should collaborate on implementing an evaluation every five years of their responses to victims of crime.
10. ACT Government should support these agency-based developments within a whole-of-justice strategic plan to be coordinated and resourced by an effective and central governance framework. The strategic plan should focus on ensuring that all victims of crime receive the information and assistance they need in connection with their involvement in the administration of justice.

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

## 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. The ACT Government has, over the reporting period, taken significant steps to address some of these persisting problems. In particular, in relation to responses to victims of sexual offences. In other areas of law reform, notably the recognition of victims within the Children’s Court jurisdiction and in the mental health jurisdiction, the processes are starting to bear fruit.

Over successive reporting periods persisting systemic issues are:

- (a) *Victim Contact Information* – the capacity and capability of the justice system to collect and store victim contact information remains very restricted and ad hoc. This capability would enable the system to routinely provide to all victims (according to criteria) information about rights, support services and relevant case information.

Section 136 of the *Crimes (Sentencing) Act 2005* provides authority to exchange information. Further examination of what type of information should be exchanged, for what purpose and to who remains to be undertaken.

- (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. However, there are a number of persisting problems with this area of procedure. Most importantly, compliance with a reparation order is not part of sentence administration.
- (c) *Mental health issues* in the criminal jurisdiction continue to be troubling for some victims of crime. The VoCC and the President of the Mental Health Tribunal have commenced discussion on possible arrangements to assist the tribunal in matters where victims of crime have a relevant interest.



- (d) *Serious and Major Crimes including Homicide* and the impact on victims of crime is an area that would benefit from the development of inter-agency policy and procedure especially with regard to the coordination of victim support. One death can give rise to numbers of family, friends and witnesses with varying levels of entitlement and involvement for justice and victim agencies. Clients involved in the coronial system can feel overwhelmed and unsupported especially when faced with other parties with extensive legal representation. The family of the deceased, while given courteous responses by the Coroner's Court, nonetheless feel disadvantaged and powerless.
- (e) *Sexual assault* and the response of the criminal justice system has been of concern to the VoCC since an own motion report was concluded in 2002 and presented to the then Attorney General. Over the reporting period the VoCC has been very involved in supporting measures to better protect and support vulnerable victims and witnesses. The development of the Wraparound Program for victims involves staff within Victim Support ACT.
- (f) *Financial assistance* for victims of crime remains an important means to address the adverse impact of crime. The Minor Legal Assistance Scheme for Victims has been assumed within Legal Aid ACT. This is to the benefit of victims given the scope for building expertise within the one organisation. However, the length of time taken in assessing applications and what to victims appears an over-rigid emphasis on legal requirements have given rise to distress amongst a number of applicants. The process becomes seriously unfair when the resources of the Government Solicitor's Office are placed against an unrepresented applicant.

The VoCC has remained as Chair of Victim Support Australasia (VSA), the national association for crime victim services. VSA works to improve the quality and consistency of responses to crime victims across the jurisdictions. The VoCC Office administers the national website for VSA.

Over the reporting period the VoCC, as chair of VSA, has continued to work as an Industry Partner with the Department of Criminology at the University of Melbourne on a national research project funded by the Australian Research Council. The study examines the experience of victims of crime with procedural fairness in their interaction with justice agencies. The South Australian Victim Support Service has participated in the research over 2007-2008. Staff assisting the VoCC will administer the research for relevant clients in the ACT over 2008-2009.

## *Advocacy for Individuals*

The statistics presented are for July to December 2007. From January 2008, all client contacts and registration were brought together in the new integrated service, Victim Support ACT.

Over the six month period, there were 78 new clients seeking assistance from the VoCC with regard to their rights and entitlements, and 43 existing client requiring continued assistance. The number of new clients is proportionately similar to that for the same period in the previous year while the existing clients are proportionately higher than for the similar period in the previous year. This suggests that clients did not experience a reduction in access to service with the relocation of the VoCC Office and the integration with VSS.

**Table 1 – Clients & client contacts July-December 2007**

|                  | Number | Female*  | Male*    | Children* | Adults*   |
|------------------|--------|----------|----------|-----------|-----------|
| New clients      | 78     | 45       | 33       | 12        | 66        |
| Existing clients | 43     | 24       | 19       | 8         | 35        |
| Total            | 121    | 69 (57%) | 52 (43%) | 20 (16%)  | 101 (84%) |

Source: VOCC Office

\* Of total number of clients

The number of contacts made with clients over the six month period was 865 being an average of seven (7) contacts per person. This level of contact is proportionately higher than in the similar period in the previous year.

The majority of enquiries to the Office from new clients were in relation to enquiries about financial assistance, case status queries in relation to police investigation and charges and in relation to prosecution proceedings, and more general requests for information and referral.

The proportion of calls in relation to incidents of assault remains the highest category (48%), with sexual assault comprising the next highest category (14%). Over the reporting period the proportion of male victims and child victims in contact with the Office also remains steady at 43% and 16% respectively. Due to the change in case management, the Indigenous status of callers was not able to be captured in this reporting period.

**Table 2 - Offences affecting clients**

| OFFENCE   | NEW CLIENTS | EXISTING CLIENTS | OVERALL    |
|---|-------------|------------------|------------|
| ASSAULT   | 39          | 27               | 66         |
| SEXUAL ASSAULT  | 11          | 11               | 22         |
| HARASSMENT/THREATS                                      | 5           | 1                | 6          |
| BREACH ORDER  | 2           |                  | 2          |
| STALKING  | 1           |                  | 1          |
| MURDER/MANSLAUGHTER/<br>NEGLIGENT DRIVING CAUSING DEATH | 4           | 5                | 9          |
| ARSON   |             | 1                | 1          |
| CRIMINAL DAMAGE   | 5           | 2                | 7          |
| ARMED ROBBERY   | 1           |                  | 1          |
| BURGLARY  | 1           | 1                | 2          |
| OTHER   | 12          | 2                | 14         |
| <b>TOTAL</b>  | <b>81</b>   | <b>50</b>        | <b>131</b> |

Source: VOCC Office

### **Family Violence Intervention Program (FVIP)**

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

Over the reporting period the Family Violence Court Twinning Project between the ACT Magistrates Court and the Provincial Court of Manitoba, Canada, was launched. The project is a unique initiative designed to facilitate professional dialogue and exchange. The initiative was launched by the Chief Magistrate and the Chief Judge using the video technology of both courts. While it was early morning in Canberra, it was the end of a working day in Winnipeg. The ACT Attorney General and the Manitoba Minister for Families also exchanged greetings. The Twinning Project commenced with a 'virtual classroom' session about the Manitoba case management system. During the session, court administrators and judicial officers discussed the effectiveness of the Manitoba Front End Project as a means to reduce court listing time and to assist a more rapid resolution of the charges.

The Twinning Project was further cemented at a national conference co-hosted by ACT justice agencies and the National Judicial College of Australia in May 2007. The conference, called *Just Partners: family violence, specialist courts and the idea of integration* brought together keynote speakers from four countries and across Australia. The conference constituted a celebration of the 10th Anniversary of the FVIP.

The Hon Raymond Wyant, Chief Judge of the Provincial Court of Manitoba gave a keynote presentation about the work of the Family Violence Court and judicial leadership. Rekha Malaviya, A/g Supervising Crown with the Manitoba Crown Attorney's Domestic Violence Unit presented on the work of specialist prosecutors in that jurisdiction. The Hon Vera Baird QC, Solicitor General for the United Kingdom spoke about the evolution of Domestic Violence Courts in the UK.



The Twinning Project was recognised by the Heads of Jurisdiction signing a document outlining their shared commitment to continued professional dialogue, creation of learning opportunities and exchange of research and knowledge.



The connection between the ACT and Canada was recognised in the establishment of an international research collaboration called The Observatory. The collaboration is lead by Canada and funded by the Canadian Social Sciences and Humanities Research Council (SSHRC). Further funds from the Canadian International Opportunities Fund have allowed two Australian sites (the ACT and one in NSW), a US and a UK site to be chosen in the program.

The research funds enabled the VoCC to attend a conference in Calgary on 6 November as keynote speaker and to participate in a planning day for The Observatory on 7 November.

The interest in specialised court approaches is a growing trend internationally and across Australia. The VoCC is working closely with the Magistrates Court to identify available outcomes of the courts and to examine advantages and disadvantages. The FV Special List that has been in place as a central aspect of the FVIP forms an early version of court specialisation.

The day-to-day operations of the FVIP continue. Extensive training of new police recruits and others continues as a significant investment by ACT Policing and the Office of the DPP. The work of the Domestic Violence Crisis Service as the key victim advocacy service in this area continues to grow. The annual victim surveys conducted by the DVCS form a valuable accountability resource for agencies in the FVIP. Over the reporting period, ACT Corrective Services tendered a contract for partner contact as part of the new Cognitive Self-Change program. This work has previously been done by the Domestic Violence Crisis Service (DVCS) since the offender program commenced in 2000. Corrective Services advises that an evaluation of the new program will be conducted.

Over the year, ACT Policing advised that they had received legal opinion that they could not provide information as they had done over previous years as part of the FV Case Tracking process. The situation caused significant disruption although matters have since stabilised. The situation will be reviewed in more detail in 2008-09.

## **Domestic Violence Project Coordinator**

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

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

The Council celebrated its 10th anniversary at an event at the Legislative Assembly.

The DV Coordinator worked closely with the Council and the Canberra Men's Centre to implement activities for White Ribbon Day in November 2007. White Ribbon Day commemorates the International Day of Action Against Violence Against Women. The activities of the Council are the subject of a separate annual report.

## **A.5 Management Discussion and Analysis**

Victim Support ACT provides support to the Victims of Crime Coordinator and the Domestic Violence Project Coordinator.

The following potential risks and risk management strategies that may influence the future performance of the VoCC include:

- Risks to adequate discharge of statutory functions given additional new demands. These will be managed through the development of a policy and procedure within Victim Support ACT to clarify how victim complaints are to be identified and managed.
- Changing patterns of referral and demand will be managed through a review of internal budget allocation for 2008-09.

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

## A.6 Financial Report

Over 2007-2008, Victim Support ACT was allocated a budget of \$1,890,000 of which \$1,419,000 was allocated for employee expenses and \$471,000 for non-employee expenses. The VoCC and the DV Project Coordinator are managed within this budget.

Funds of \$10,000 from ACT Policing (Australian Federal Police) for the conduct a victims survey were receipted and rolled forward to contribute to the Police Victim Referral Project in 2008-09.

Certain funds accumulated by the Office of the Victims of Crime Coordinator were carried forward into the budget of Victim Support ACT. These included certain funds for the Family Violence Intervention Program (FVIP), the Procedural Fairness Project and the Capacity Building Indigenous Services Project.

Funds have been accumulated by the FVIP in the order of \$12,774. Over 2007-08 expenses related to the national conference were committed against this fund. However, a roll over of \$11,665 to the 2008-2009 financial year was required.

There was no expenditure of the Procedural Fairness Project funds of \$3,465. These were rolled forward to 2008-08 for the printing of the final report.

Funds for the Indigenous Access to Justice & Services Project of \$10,576 included expenditure of \$10,000 being for a consultant to conduct a Survey and Reports. Funds of \$10,000 were receipted from the Aboriginal Justice Centre towards a survey of Indigenous victims of family violence. These funds plus a small rollover of \$576 to the 2008-2009 financial year will go towards finalising this project.

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 VoCC has no strategic indicators to report against for 2007-08. Further discussion on strategic indicators is contained within the Annual Report of the Department of Justice & Community Safety.

## A.9 Agency Performance

The performance of the VoCC is discussed in the sections at ppxx regarding system and individual advocacy.

# SECTION B: CONSULTATION & SCRUTINY REPORTING

## B.1 Community Engagement

No specific community consultations were implemented by the VoCC over the reporting period. Over the reporting period, the VoCC has continued to engage in consultations in relation to the criminal justice response to sexual assault and on Indigenous victims of family violence access to justice and services.

## B.2 Internal & External Scrutiny

The announcement of the ACT Government of a review of the *Victims of Crime Act 1994* created a significant development in external scrutiny of the VoCC over the reporting period.

The publication of the report, *The Quality of Justice*, provided an opportunity for external scrutiny of the VoCC by Government, stakeholders and members of the public.

## B.3 Legislative Assembly Committee Inquiries & 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 2007-08.



## 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 manage 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 & POLICY BASED REPORTING

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

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

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)
- Community Grants/Assistance/Sponsorship (C.15)

## C.14 Government Contracting

Funds for the Indigenous Access to Justice & Services Project of \$10,576 included expenditure of \$10,000 being for a consultant to conduct a Survey and Reports. Funds of \$10,000 were receipted from the Aboriginal Justice Centre towards a survey of Indigenous victims of family violence. These funds plus a small rollover of \$576 to the 2008-2009 financial year will go towards finalising this project.

The procurement for this service involved the issue of an Expression of Interest to potential contractors. A panel assessed the two submissions received, and a contract was issued to a consultant.

## C.16 Territory Records

Victim Support ACT is a new agency combining the Victims Services Scheme (VSS) and the Office of the Victims of Crime Coordinator (OVCo). Records of both service streams are currently maintained in temporary facilities pending the allocation of permanent accommodation.

The draft Records Management Policy and Disposal Schedule of the OVCo is to be superseded by the development of a policy for the agency as a whole.

Over the reporting period, officers within Victim Support ACT engaged with relevant officers within the Department of Justice and Community Safety to plan a program of implementation for records management and disposal.

As a new agency Victim Support ACT is not subject to the commencement of Part 3 of the *Territory Records Act 2002*. Neither does the VSS or the OVCo fall subject to commencement as neither are more than twenty years old.

## C.17 The ACT Human Rights Act 2004

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

A special training session for staff on the *Human Rights Act 2004* was commissioned in the reporting period and will be delivered in 2008-09.

## C.20 Aboriginal & Torres Strait Islander Reporting

The VoCC is committed to promoting the rights of victims from Aboriginal and Torres Strait Islander backgrounds and to promoting accessibility. Pursuant to this, the Victims of Crime Coordinator implemented a research project in relation to Indigenous Victims of Crime. The research project comprises three parts being:

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

A Project Reference Group comprising both Indigenous and non-Indigenous persons has assisted the research.

## C.22 ACT Women's Plan 2004-2009

The VoCC is committed to service delivery that promotes and supports women's rights and access to service. Women constitute over 50% of the clients to the VoCC.

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

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

# APPENDIX A

THE QUALITY OF JUSTICE:  
OPERATION OF THE VICTIMS OF CRIME ACT 1994 IN THE  
AUSTRALIAN CAPITAL TERRITORY 1996-2007

**A Report from the ACT Victims of Crime Coordinator 2008**

**ABRIDGED VERSION**

# THE QUALITY OF JUSTICE:

## OPERATION OF THE VICTIMS OF CRIME ACT 1994 IN THE AUSTRALIAN CAPITAL TERRITORY 1996-2007

### EXECUTIVE SUMMARY

Crime is an extraordinarily diverse phenomenon ranging from murder to criminal damage; and from arson to motor vehicle theft. It is also not a random event and certain populations and places are at a higher risk of victimisation than are others.

Deciding whether or to whom to report an incident is perhaps one of the most elementary of help-seeking choices that victims of any type of crime perform. Without crime victim assistance Brandl & Horvath (1991:293) claim *"the capabilities of the police in controlling crime would be greatly reduced, to say nothing of the difficulties that would arise in the other components of the justice system."* For a variety of reasons only about half of incidents that occur in the community are reported and only about half of these reveal allegations of offences.

The range of the effects of crime at an individual and a community is considerable. Crime affects people in different ways and not all victims will have the same response to the same crime. There are no quick and easy solutions to the pervasive, broad and persistent impact crime that has on people. Most victim support services struggle to respond to the diversity and range of need.

The passing of the 1985 United Nations (UN) *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* has acted as a watershed in the debate about the scope of victimization and the responsibilities of the State. While there are differences between legal systems across the globe, there is a remarkable degree of consistency in the critique that crime victims have made of the response of justice agencies. The Declaration provides a framework for jurisdictions to acknowledge and act upon victim interests especially within criminal proceedings.

Victims of crime who engage with the justice system act as citizens who are attempting to achieve something they value, whether it be something practical or something they think they ought to do out of civic duty or a sense of justice.

In all Australian jurisdictions including the ACT a pragmatic though piecemeal approach to addressing the unmet needs and rights of crime victims has resulted in law reform and service responses that traverse humanitarian, welfare and justice domains. A range of legislative and administrative instruments have been applied in the States & Territories to reflect the obligations of the UN Declaration. The ACT *Victims of Crime Act 1994* was one of the first such instances of law reform in Australia.

At a national level, the Standing Committee of Attorneys General (SCAG) adopted a 'national charter for victims' rights' in 1996, and in July 2005 SCAG issued a joint communiqué reaffirming their commitment to justice for victims of crime. Also in October 2005, on the 20th anniversary of the UN Declaration of Basic Principles, the Commonwealth Law Ministers approved a Statement of Basic Principles of Justice for Victims of Crime. In 2008 the Federal Home Affairs Minister announced a Federal Criminal Law and Procedure Forum to consider reforms in the federal criminal jurisdiction including, amongst other matters, the rights of victims of crime.

In giving effect to the main recommendations of the 1993 Community Law Reform Committee, Terry Connolly MLA, Attorney General, in his tabling speech for the Victims of Crime Bill said:

*"... this Bill is a significant step forward in redressing the traditional inequality and imbalance that victims have felt in relation to their position in the criminal justice system. The measures ... will provide victims of crime with the measure of dignity to which they are entitled through ensuring that they are accorded an appropriate and recognized position within the criminal justice system."*

The legislation set out Governing Principles for the Treatment of Victims of Crime in the administration of justice, and established the Victims of Crime Coordinator (VoCC) position to (amongst other things) promote the Act, investigate allegations of breaches of the General Principles and to report to and advise the Attorney General. The legislation does not constitute a statement of actionable rights. Indeed, no Australian jurisdiction has yet provided penalties for non-compliance with victim rights by a public officer.<sup>1</sup>

This report describes the methods and processes employed by the Victims of Crime Coordinator to respond to allegations of breaches of the Act, to act as the statutory advocate and to promote reform in the interests of victims. It also describes the constraints on these functions.

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<sup>1</sup> Amendments tabled in 2007 in the South Australian Parliament do contain provision of penalties.

Members of the ACT community who are victims or family of victims and who contact the VoCC may or may not be representative of all victims of crime. There is no simple way of determining whether the concerns and complaints are typical or atypical. In summary, victims of crime commonly complain to the VoCC about:

- Lack of case status information from police & prosecution.
- Absent or inadequate follow-up provided by police.
- Perception that the investigation has been cursory and inadequate.
- Inadequate or no information about their rights, responsibilities and role within the criminal justice process.
- Inadequate information from and contact with the prosecution including about appeal processes.
- The process of charge negotiation determined without reference to the victim.
- Lack of information about and support at court.
- The time taken to finalise a matter at court.
- A perception that the victim's voice and interests are not heard nor represented at court.
- Mixed views about the adequacy or otherwise of sentences imposed.
- Lack of or no information about the implications of the outcome of a matter.
- No or inadequate information about victims rights.
- Discourteous, inappropriate and unprofessional remarks to victims.
- Lack of information or notification about escapes from custody or changes to an offender's management.

Criminal justice agencies in the ACT notably ACT Policing, the ACT Director of Public Prosecutions and ACT Corrective Services have all made significant efforts over the years to respond to the concerns that victims – directly or through the VoCC – have raised.

The ACT Victims of Crime Act 1994 has provided a framework through which victims and justice practitioners can consider their rights and responsibilities. The legislation has provided a vehicle to enable reforms relating to victims of crime in certain aspects of agency practice and in criminal procedure. It has also provided a backdrop to stimulate discussion and debate about the role of victims in the criminal justice system.

Since 1994 a considerable number and range of law and service reforms relevant to victim interests have been implemented in the ACT and elsewhere.

However, it is not possible to say whether the legislation has comprehensively redressed *“the traditional inequality and imbalance that victims have felt in relation to their position in the criminal justice system.”* Neither is it possible to say that a majority of victims in the criminal justice system receive their rights in a consistent and reliable manner. In no other area of government or public administration would citizens be expected to perform a function



critical to the maintenance of our society but without support and assistance given as normal and routine. Indeed, to have their very interest in participating treated with deep suspicion and subject to hostile questioning as to motive.

There are many problems – not least sufficient resources - that undermine the ability and capacity of justice agencies and the VoCC to respond effectively to victims and to assist them with rights and entitlements.

It is now clear that the legislation is out-of-date. Reforms in other Australian and overseas jurisdictions have moved far beyond those in the ACT.

Victims' inherent respect as citizens for the legitimacy of the justice system can be stabilised through consistent and dynamic procedural recognition and inclusion that is not mediated through their roles as a complainant or as a witness - so long as sufficient practical and other assistance is provided as a matter of course.

However, a justice system that is mature and robust enough to respond to the challenges of the 21st century requires an even more radical recognition of the victim as a legitimate party afforded all the rights and protections of other citizens, including the accused, in their access to justice and respect for their human rights.

2.

VICTIM SUPPORT ACT

# SECTION A: PERFORMANCE & FINANCIAL MANAGEMENT REPORTING

## A.1 Organisation

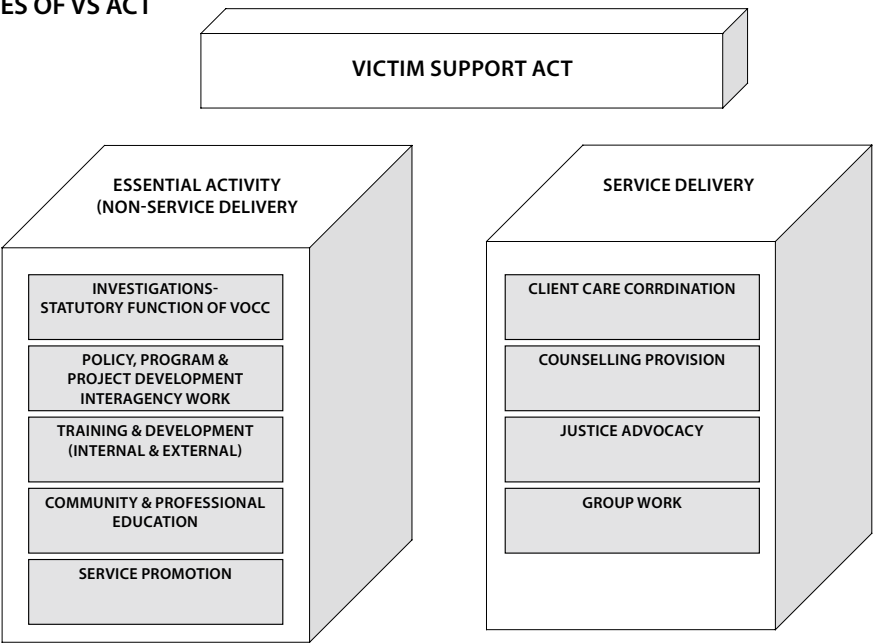
Victim Support ACT was established within the Department of Justice and Community Safety in July 2007 to create an integrated service for victims of crime in the ACT. The agency comprises the Victims Services Scheme (VSS) and staff from the Office of the Victims of Crime Coordinator.

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

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

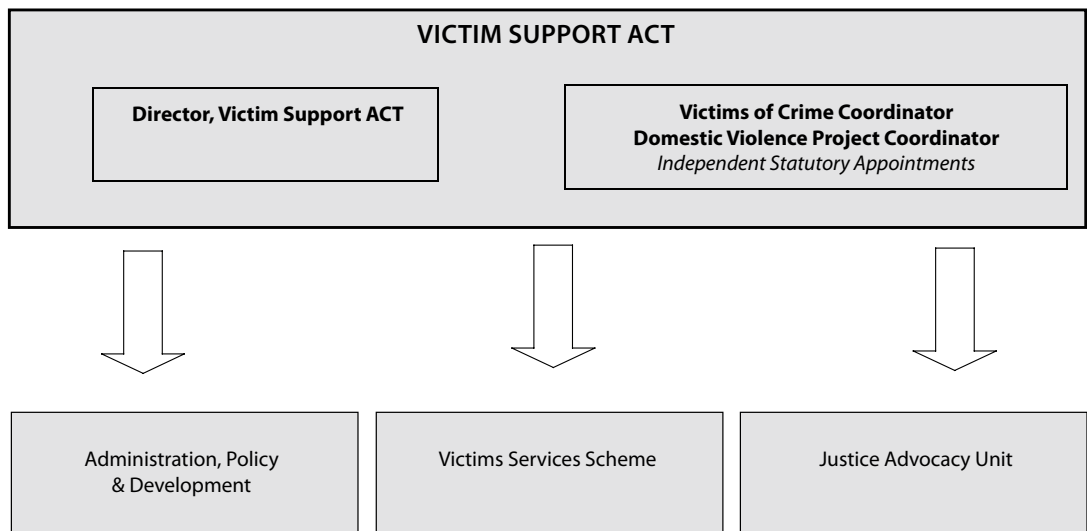
- Be holistic, comprehensive and client-centred;
- Support recovery for victims and their reconnection to family, friends & community;
- Use an inter-disciplinary and team-based approach that respects the individual, their capacities and privacy;
- Be timely, accessible, solution-focussed, professional, 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*.

### SERVICES OF VS ACT



Victim Support ACT comprises the Justice Advocacy Unit and the VSS. The service teams work together to provide multi-disciplinary care, support and advocacy for victims of crime. Victim Support ACT supports the statutory roles and activities of the Victims of Crime Coordinator and the Domestic Violence Project Coordinator.

**STRUCTURE OF VS ACT**



The **Justice Advocacy Unit** comprises staff previously working to the Victims of Crime Coordinator. The role of the Justice Advocacy Unit is to:

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

The **Victims Services Scheme** is established pursuant to section 19 of the *Victims of Crime Act 1994*. The Victims of Crime Regulations 2000 section 21 nominates the Chief Executive as the Responsible Service Agency nominated to provide the VSS. Section 22 sets out the functions of the Responsible Service Agency being:

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

The Regulations at section 20 also provide for the objects of the VSS being:

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

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

People must be eligible under section 20 of the *Victims of Crime Act 1994* to receive certain services provided by the VSS. Such persons are a “victim” if:

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

However, persons are not deemed eligible victims (section 24 *Victims of Crime Regulations 2000*) if they are a person:

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

Stakeholders of Victim Support ACT include agencies engaged in the administration of justice being ACT Policing (Australian Federal Police), the ACT Director of Public Prosecutions, ACT Law Courts & Tribunals, and ACT Corrective Services. Other government departments and entities are also stakeholders of Victim Support ACT.

Community organisations form a vital part of the victim support network in the ACT and are stakeholders of Victim Support ACT. In particular, these include the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Women’s Legal Centre, the Canberra Men’s Centre, and VOCAL (ACT) Inc.

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

- (a) the person was a close family member in relation to the primary victim;
- (b) the person was a dependant of the primary victim;

the person had an intimate personal relationship with the primary victim.

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

## A.2 Overview

### ESTABLISHMENT OF VICTIM SUPPORT ACT

Victim Support ACT arose from a Review of the Victims Services Scheme conducted by the Department of Justice & Community Safety over 2005-2006 and assisted by an Expert Reference Group.

A key focus of that Review was that victims of crime should receive “consistent, coordinated, seamless and personalised service delivery”. The Review put forward options to achieve this aim. In endorsing the overall aim, the ACT Government accepted the option to bring the VSS within the Department of Justice and Community Safety and directed the establishment of a ‘one-stop shop’ for victims of crime. The Government decision sought an integration of the rehabilitation and support needs of clients with assistance to access justice processes like financial assistance, advocacy and court support.<sup>2</sup> The Chief Executive of the Department of Justice and Community Safety determined that the new agency would be called Victim Support ACT.

From July 2007, the person performing the functions of the Victims of Crime Coordinator (VoCC) was delegated by the Chief Executive to implement and administer Victim Support ACT. Under this administrative delegation, a separate position, that of Director Victim Support ACT, was created. This position reports to the Deputy Chief Executive.

Establishment of the new agency necessitated development and implementation of new administrative and financial management procedures.

### STRATEGIC PLANNING & IMPLEMENTATION

A strategic planning exercise conducted by an independent facilitator with staff from the VSS and the Office of the VoCC developed aims for the new service for 2007-08 being to:

1. Achieve efficient and effective integration of teams.
2. Implement an integrated approach to client service delivery.
3. Identify and plan for innovation and development in services.
4. Ensure staff support and retention.
5. Implement evaluation framework & research priorities.
6. Seek law & service reform.

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<sup>2</sup> 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.

A number of critical priorities for the service integration were developed that focussed on organisational support and governance, client service procedural review, victim feedback, and staff support. A temporary Project Officer was appointed to drive the implementation of these critical priorities.

At the same time, it was critical that victims of crime received a continued high level of service and that support for reform initiatives such as the Sexual Assault Reform Program were maintained.

Throughout this period, which can only be described as highly pressured and stressful, staff remained committed to the implementation of the service integration through regular 'brainstorming' sessions with the Project Officer and a high degree of involvement in the client service procedural review in particular. Proposed changes to areas of core service were drafted, further staff consultation conducted and then implementation proceeded from 2 January 2008. Since early 2007 staff have also been obliged to work in temporary accommodation pending determination of a permanent location. Staff are commended for their abiding and strong dedication to public service for victims of crime throughout this period.

The additional funds allocated in the 2007-08 Budget were allocated to assist the integration of the services and to reduce waiting times for access to counselling and support. The funds allowed recruitment of additional staff. The recruitment provided an opportunity to reconsider some job specifications and to realign staff towards the new service structure.

Significant external changes impacting on Victim Support ACT in the reporting period included the imposition of a victim services levy under the *Victims of Crime Act 1994*. Pursuant to section 24 of the Act, adults who were convicted of a criminal offence and ordered by a court to pay a fine in relation to the offence, became liable to pay the Territory a victims services levy of \$10. The funds generated go to consolidated revenue to provide a source of revenue to improve services for victims of crime (section 24).

## **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, over 50 private providers of counselling, psycho-therapy, natural therapies, massage therapy and psychological services in the ACT were engaged to provide professional services. Additionally a smaller number of private providers in jurisdictions outside of the ACT were “authorised exceptions” to deliver professional services to people victimised in the ACT but resident elsewhere.

During the reporting period, approximately 3,500 hours of private professional service was delivered to victims of crime costing nearly \$300,000.

Since 2000, these private providers have been approved by the Victim Assistance Board pursuant to section 6 of the Victims of Crime Regulations 2000 through a process administered by the Board Secretariat. The process is cumbersome and onerous upon private practitioners. The Review of the VSS recommended that the vetting of providers “should reside inside the Responsible Service Agency delivering the scheme to ensure sectoral familiarity with institutions, processes and players.”<sup>3</sup> The Board endorsed the Review recommendation and, in the last quarter of 2007-08, requested that the Chief Executive amend the Regulations to give it effect.

An administrative decision was made during the reporting period not to seek further approvals pending this recommendation being implemented. In the meantime, an internal review of arrangements for the approval, contracting, management and regulation of Approved Providers was instituted.

A service manual listing all the Approved Providers was drafted. The manual contains information about providers including their qualifications, disability access, specialisations, preferred client groups, and the clinical services each have on offer. The information improves the capacity of Victim Support ACT staff to make informed decisions for clients about the appropriateness of any given referral.

## A.3 Highlights

### **Proactive Service Delivery**

New client service procedures implemented In January 2008 recognise that reaching out for help can be a difficult first step for people when so many other aspects of life have been disrupted by victimisation. The victim survey conducted for the 2005-06 Review also identified that clients would like more proactive followup by the service.

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<sup>3</sup> *Ibid.*, p.5

The 'brief intervention model' of service delivery has been maintained within Victim Support ACT. This model is defined in the *Victims of Crime Regulations 2000* whereby clients are offered three levels of service depending on the nature of the incident. All victims of crime receive reception services and level 1 services (2 hours). Victims of violent crime can receive level 2 (6 hours) and level 3 (12 hours). In exceptional circumstances, a further 6 hours of service may be approved.<sup>4</sup>

Given that justice processes can involve victims of crime for extended periods of time, the availability of justice advocacy services are not regulated in this manner. However, the individual care plans developed as part of the brief intervention model do accommodate action plans related to a person's engagement with the justice system.

The new reception and intake procedures actively work to assist clients to engage with the service. All client service staff within Victim Support ACT participate in a reception roster. The practice is proactive in assisting people to identify the impacts arising from victimisation, prioritise these and plan for the short, medium and longer term.

The new procedures implemented are that:

1. All callers to **reception** are registered as clients and, at the conclusion of the call, offered information about available services be sent to them through the post.
2. A single client registration and client records management system was implemented.<sup>5</sup>
3. Clients are offered an **intake** session within 10 working days of reception either over the phone or face-to-face. A new electronic appointment system allows the first available case manager/intake worker to be identified.
4. Where clients identify that the matter has been reported to police, they are additionally offered assistance from the specialists within the **Justice Advocacy Unit**. Joint intake and interview sessions with both counsellors and justice advocates can be offered to clients.
5. Following needs assessment, case managers work with clients to identify priorities and desired outcomes. A range of service ideas may be discussed. A care plan is drafted in consultation with the client. Victim Support ACT staff assist clients by liaising with private providers to make appointments. All arrangements are confirmed in writing with the client.
6. Where a client requests time to reflect upon the services offered, the case manager will make a follow-up call within 2 weeks to negotiate and agree the next steps.
7. Clients will receive reminder and follow-up telephone calls from their case manager.
8. Client service staff **actively case manage** new clients for the first 4 weeks of engagement. Assistance with home and personal security, housing, managing work and finance, and family and other relationships are all features of case management over the early period.
9. Prior to completion of level 2 service, clients are contacted for a **review** of their care plan, a fresh assessment and consideration of what further assistance may be necessary or appropriate. Private providers are additionally contacted for either a progress report or a closure report.

<sup>4</sup> Division 3.3 Victims of Crime Regulations 2000.

<sup>5</sup> Prior to January 2008, there existed two different phone contacts, two different registration, record keeping and file management systems were in place. Clients could have two different file record numbers even though the information might be the same or similar. This was a reflection of the two different services coming together.

## Improved Service & Information Access

The integration of two service units required initial consideration of a continuing rationale for different access points for the services. However, the 2005-06 Review had identified that victims expressed some confusion about the multiplicity of victim contact points. Therefore a single reception point being the call centre 1800 822 272 was decided. Core opening times and reception rosters work around the call centre.<sup>6</sup>

Over the reporting period, client access to information was also improved. A range of new publications were developed to describe the new agency and its services. A suite of Client Information Guides on a range of topics were commenced. The first set of Information Guides was:

|      |  |
|------|--|
| 1/07 | What is Counselling?                           |
| 2/07 | Normal Reactions to Trauma                     |
| 3/07 | Victims of Crime & the Criminal Justice System |
| 4/07 | Giving Evidence                                |

An integrated web portal for victims of crime was also developed and can be found at [www.victimsupport.act.gov.au](http://www.victimsupport.act.gov.au)

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<sup>6</sup> Reception is open Monday to Friday 9am to 5pm except Wednesday morning. The latter time is devoted to team, clinical and service meetings, and to group supervision.

## **Service Development**

A key feature of the integrated service for victims of crime is the multi-disciplinary approach to client support. Bringing together justice advocacy services with counselling and recovery means that members of the ACT community receive a comprehensive and holistic response. The main features of the new approach include:

- A client has a single file but is likely to have a number of specialists working to achieve their desired outcomes;
- New job descriptions for intake staff require that people work across disciplines and with a number of intervention strategies;
- Intake staff are supported by team leaders in both the counselling and the justice advocacy services;
- New policies and procedures are under development to document more fully the services that justice advocacy offer; and
- Training & development opportunities are being created to encourage and equip all Victim Support ACT staff with sufficient knowledge and skills to work with all relevant disciplines.

A significant challenge for Victim Support ACT is the development of a client database that supports its integrated functions.

Over the reporting period, the VSS ceased use of the ACT Health Patient Administration System (ACTPAS) database. From January 2008, all clients were registered on a simple spreadsheet pending implementation of a transitional access database. The transitional database was developed by InTACT and was piloted in late June. Both systems will be used in the short term as a part of a risk management strategy.

Victim Support ACT was successful in securing funds in the 2008-2009 Budget for an Integrated Victim Database. The scoping and technical analysis of this database will be a priority for the upcoming year. An initial scoping question will be the extent to which victim data is secured from and shared with originating justice agencies. A stand-alone database that re-enters data upon presentation by the individual client is a minimum initiative.

Research and scoping of enhanced services for clients also progressed over the reporting period. In particular, staff prepared a proposal for the implementation of group work in certain modalities that may be offered to clients in addition to their individual therapy/support.

A review of client-related information, resources and other aids available to staff in the counselling/interview rooms was conducted over the reporting period. Staff implemented steps to ensure that all counselling rooms contained core resources to be accessed for client use at all times. Further client and staff resources including audio-visual material and books were purchased in order to build an improved library/resource centre within Victim Support ACT.

## **Sexual Assault Initiatives**

The Sexual Assault Reform Program (SARP) instituted by the ACT Government heralds a significant opportunity to do things differently for victims of sexual offences prosecuted in the criminal justice system. The primary focus of the SARP is the criminal justice process and how this interacts with victims.

Victim Support ACT was successful in securing additional funds over 2007-08 to participate in the Wraparound Program. This program involves ACT Policing, Canberra Rape Crisis Centre, the Office of the Director of Public Prosecutions and Victim Support ACT developing an intensive and coordinated approach to supporting victims of sexual offences where a criminal charge is proceeding. Over the reporting period, the program has developed agency specific and interlocking service standards that delineate how support is to be delivered and how victims will be supported to exercise their responsibilities as witnesses. The standards also specify the assistance that will be given to support victims to access their rights and entitlements throughout the legal process.

Victim Support ACT is also the lead agency in developing, with the Wraparound agencies, a package of information for victims aimed at improving their understanding of the justice process and their knowledge of the supports available to them. An initial procurement process seeking industry feedback was unsuccessful. Therefore this package will be implemented in a staged development over 2008-09.

## **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. While VOCAL (ACT) Inc may receive funds from elsewhere and may, as a consequence, deliver other services, the Departmental contract purchases services from VOCAL (ACT) Inc to:

1. Provide general support and provide information to victims and their families as they access various services or deal with the criminal justice system.
2. Coordinate, train and support volunteers whose role is 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.

The contract was finalised late in 2007. As a consequence, the full performance and reporting requirements could not be implemented. However, for July 2007 to June 2008, VOCAL recorded seeing 246 clients. Over the period, 64 volunteers received training and volunteers delivered 57 hours assistance to clients.

## **Outreach & Professional Development**

Developing closer professional links with Approved Providers and with other services, and staff development were identified as strategic priorities for 2007-08.

Professional development opportunities implemented included:

- An in-service seminar on assisting clients with Financial Assistance applications. This seminar was attended by staff and Approved Providers.
- A day long workshop on Victims in the Criminal Justice System. The seminar involved presentations and discussion with victim specialists in police, prosecution, corrective services and restorative justice. These specialists presented information on the legislative, regulatory and other frameworks to the assistance they provide to victims of crime.
- A two day training course on Narrative Therapy was delivered by specialists from the Dulwich Centre in South Australia. The course was offered at cost to Approved Providers and to community services.
- An informal event to mark the gratitude of Victim Support ACT staff for the Approved Providers was conducted prior to the festive season.
- Staff attended a number of training courses and conferences over the reporting period and conducted feedback sessions to the team.

These outreach and professional development opportunities generated positive feedback from all participants. It is intended that further seminars on a range of practice, theoretical, research and crime topics will be developed in the upcoming year.

## **Client Service Delivery**

***“Absolutely fantastic service, can’t fault it. This was a fabulous experience. Positive and empowering experience.” Client Comment 2008***

It is not possible to compare the client contact rates for 2007-08 with previous years. This is because previous annual reports described two different services, and the counting rules for each were different.

In 2006-07, the annual report for the VSS stated that there were 539 “active” clients. The total number of new clients contacting Victim Support ACT over 2007-08 was 639.

Detail on the clients assisted by the Justice Advocacy Unit is described in the annual report of the Victims of Crime Coordinator.

| VICTIM SUPPORT ACT         |
|----------------------------|
| MONTHLY REPORT (2007-2008) |

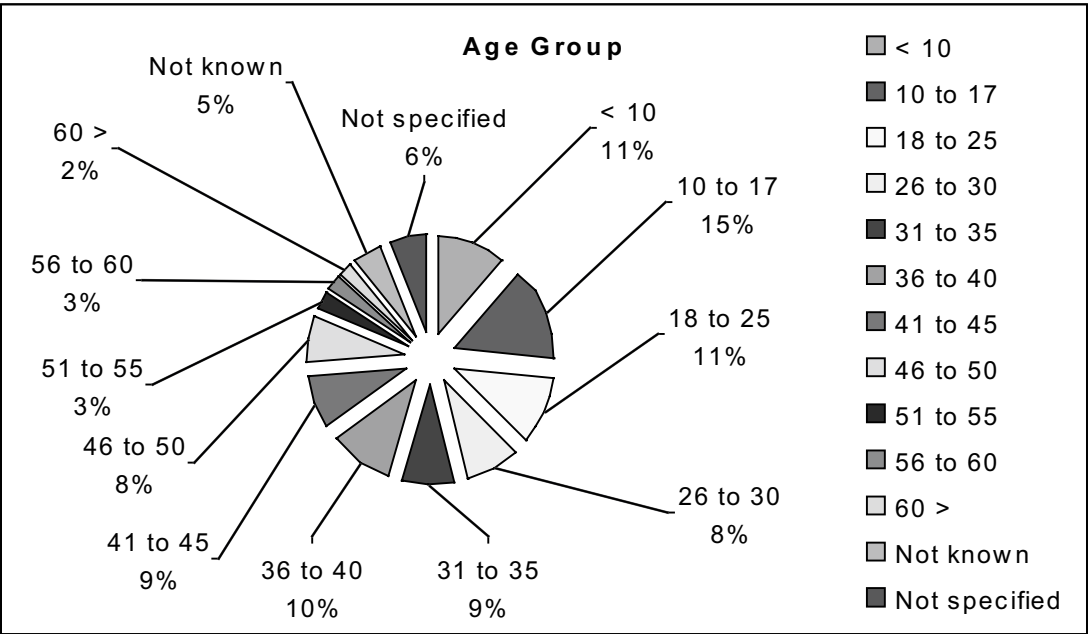
| TOTAL NUMBER OF NEW ELIGIBLE CLIENTS WHO HAVE REGISTERED WITH VSS & VS ACT (FROM JAN08) | NUMBER |
|---|--------|
| JUL-07  | 57     |
| AUG-07  | 47     |
| SEP-07  | 32     |
| OCT-07  | 45     |
| NOV-07  | 47     |
| DEC-07  | 16     |
| JAN-08  | 97     |
| FEB-08  | 98     |
| MAR-08  | 65     |
| APR-08  | 43     |
| MAY-08  | 44     |
| JUN-08  | 48     |
| TOTAL   | 639    |

| ACTIVE CLIENT DATA AT 30/06/08 -        |     |
|---|-----|
| RECEPTION SERVICE                       |     |
| LEVEL 1                                 | 67  |
| LEVEL 2                                 | 303 |
| LEVEL 3                                 | 165 |
| EXCEPTIONAL CIRCUMSTANCES               | 8   |
| JUSTICE ADVOCACY AND VSS ASSISTANCE     | 32  |
| JUSTICE ADVOCACY SUPPORT AND ASSISTANCE | 19  |
| TOTAL ACTIVE CLIENTS AT 30/06/08        | 594 |

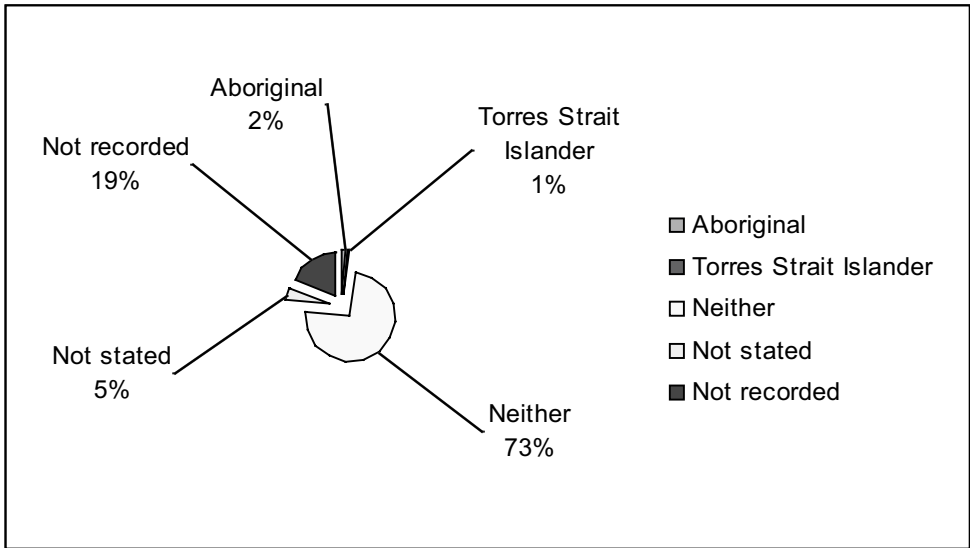
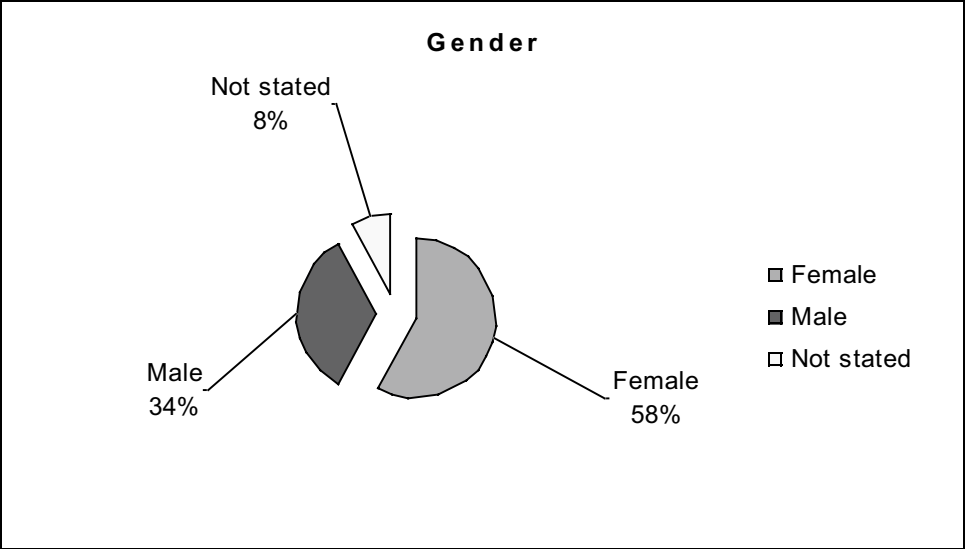
### Client Personal Characteristics

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

- The age profile of clients is equally distributed between those under 18 years, those 18-35 years, and those 36-50 years.
- 34% of clients are male and 58% female.
- 3% gave their identity as being Aboriginal or Torres Strait Islander background.
- 60% of clients are primary victims being the person who has directly suffered harm as a result of a criminal incident.

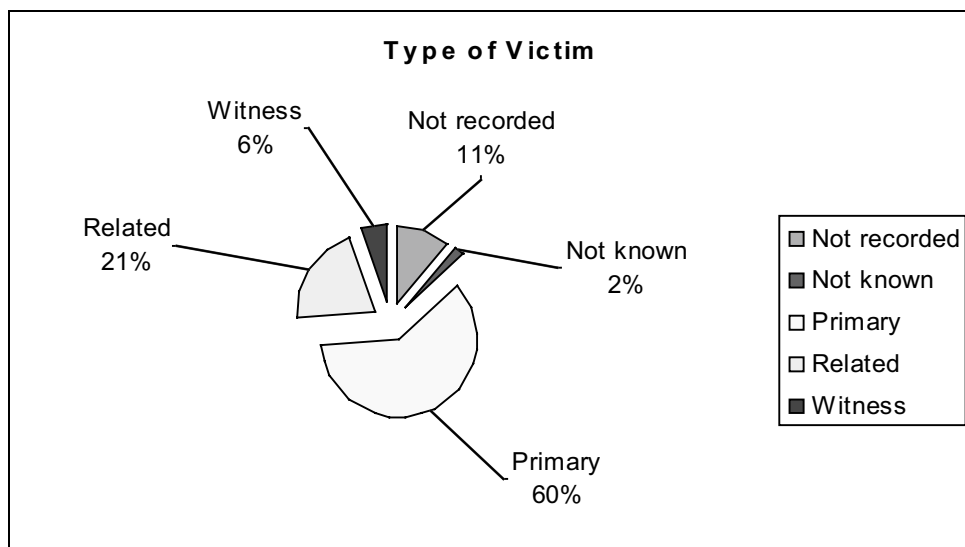






Victim Support ACT assists a wide range of people affected by crime. The predominant client group are those who have been directly harmed by the incident of crime and are “primary” victims.

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

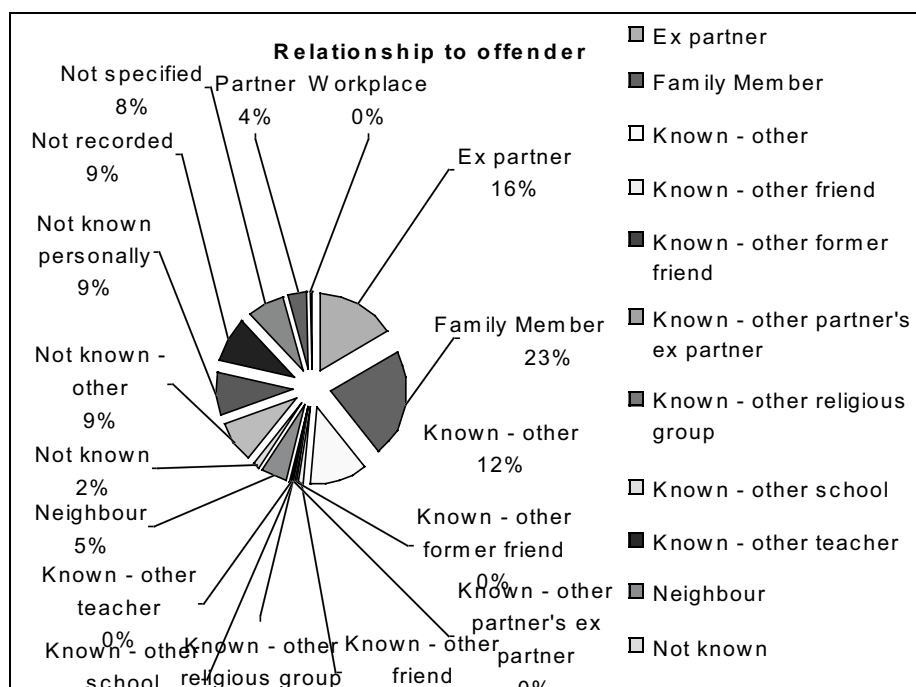
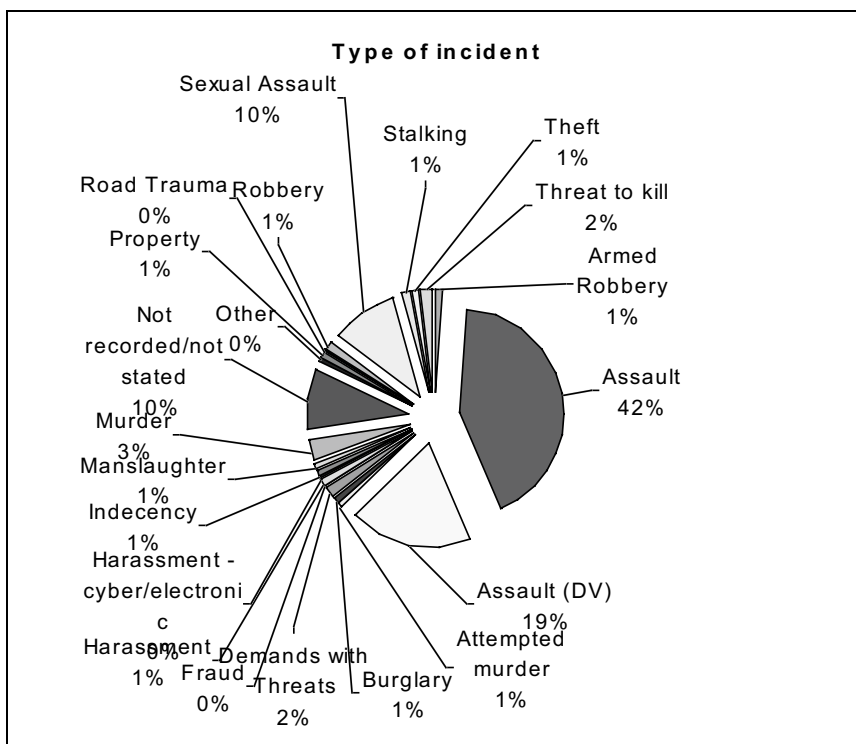


## Offence Characteristics

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

- 86% of clients are victims of personal crime<sup>7</sup>
- 63% of victims know the offender in some capacity.
- 20% of clients presented as victims of domestic violence
- 12% of clients present as victims of a sexual offence
- 5% of clients present the incident affecting them as murder, manslaughter or attempted murder

<sup>7</sup> For July – December 2007, the previous VSS database, ACTPAS, was only able to record one incident giving rise to the presentation. From January 2008, Victim Support ACT is able to record where victims describe the incident(s) as comprising a number of possible offences.



**Offence Consequences**

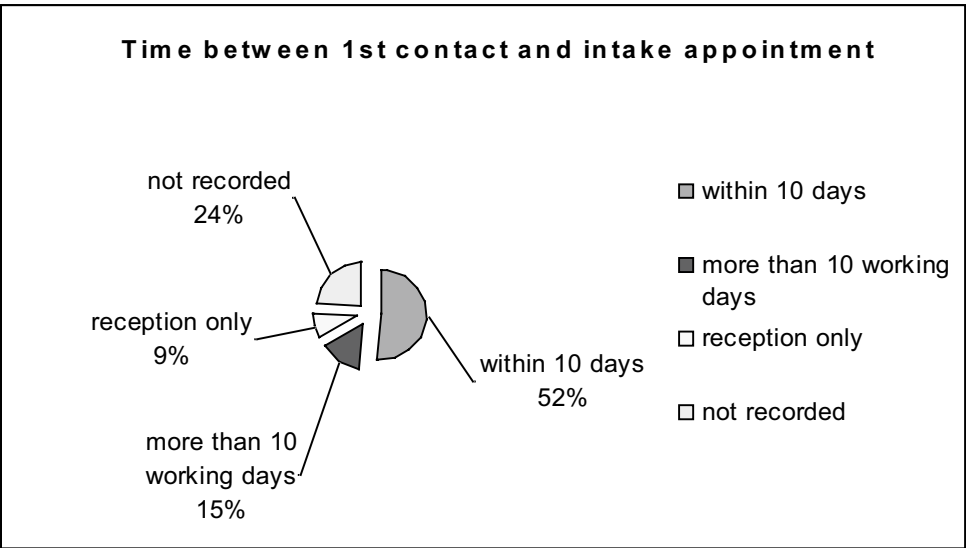
Information about the consequences of the offence comes from two different sources for 2007-08. Previously, the ACTPAS used by VSS was only able to record one impact. From January 2008, Victim Support ACT was able to record there being multiple impacts from the incident.

- 70% of clients identify the primary impact of the offence as being psycho-emotional.
- 21% of clients made contact within one month of the incident
- 19% of clients made contact within six months of the incident
- 13% of clients made contact within two years of the incident
- 16% of clients made contact when the incident was over two years ago

**Performance Measure**

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

The second performance measure is that victims are able to speak in more detail to a counsellor 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. This performance information was recorded from January 2008.



## Client Feedback

Victim Support ACT is committed to responsive service. Critical to this are measures that actively seek client feedback. Since January 2008, a pilot feedback form solicited comment from clients and a small sample of 12 responded.

TABLE 1: TYPE OF SUPPORT SOUGHT FROM VICTIM SUPPORT ACT

| TYPE OF SERVICE                         | NUMBER OF CLIENTS |
|---|-------------------|
| HELP/COUNSELLING TO COPE                | 9                 |
| INFORMATION                             | 4                 |
| REFERRAL TO APPROPRIATE SERVICE         | 3                 |
| FINANCIAL AID/HELP                      | 0                 |
| ADVICE ON RIGHTS, LEGAL AID AND JUSTICE | 2                 |
| NOT SURE, HAD NO EXPECTATIONS           | 4                 |

Clients were additionally asked whether they found certain of the services helpful or unhelpful. The vast majority found the services either helpful or very helpful. No clients reported needing a service that Victim Support ACT was unable to provide.

Clients were asked for their thoughts on ways that Victim Support ACT care coordination/support could be changed to make it more helpful to victims of crime and their families. Comments included:

- *'Absolutely fantastic service, can't fault it. This was a fabulous experience. Positive and empowering experience.'*
- *'Face to face counselling – follow-up interviews to intake. Client recognised this was impractical'*
- *'Keep doing what you're doing'*
- *'None'*
- *'Felt judged by receptionist at massage business; thanked for the follow-up call – thinks it is a good idea'*
- *'I think that the Victim Support service is great and it has significantly eased the financial burden on our family at an extremely stressful time. It would be great if the financial support at least for the victim could be ongoing until the psych assesses the person as "out of the woods"'*
- *'None – very appreciative of not being hassled and left alone to do counselling'*
- *'No'*

- *'No, what you're doing is fantastic'*
- *'Appreciate the ongoing support – regular phone calls are a good idea'*
- *'I think records of harm to pets and acknowledgement that this is very traumatic. Pets are part of the family. This has an ongoing impact for the person'*
- *'So everyone knows you are there – don't hear about the fact that VS ACT is around. X was told by the Victim Liaison Officer when X reported the crime.'*

## Research and Evaluation

Over the reporting period, Victim Support ACT has supported research being conducted by a staff member as part of a Masters in Psychology. The research explores the influence of client and counsellor attachment styles in counselling, in particular on the establishment of therapeutic alliance and clinical outcomes.

Over the past 12 months, surveys were sent to clients once they had commenced counselling. A second survey was sent five months later. Over this time, 72 clients completed the first stage survey and 27 the second stage. The Approved Providers delivering the counselling were also sent surveys. Fifteen (15) of these have been completed.

The initial findings are positive with 81% of clients agreeing or strongly agreeing that “seeing a counsellor has helped relieve my symptoms or problems”<sup>8</sup>. Counsellors were asked to rate the success of the therapy they provided. None rated this question as: *very unsuccessful, moderately unsuccessful or no change*; and 60% rated *moderately successful* and 40% *very successful*.

The establishment of rapport and having a good working relationship between counsellor and client is a crucial aspect of therapy. A good working alliance is linked to better clinical outcomes. Clients were asked to complete the Working Alliance Inventory (WAI) where higher scores indicate a stronger bond and agreement on goals. Out of a maximum score of 84 the mean rating was 64 (SD 11). This rating indicates that clients of Victim Support ACT are reporting good working alliance with their counsellors.

One of the outcome measures selected was the Posttraumatic Growth Inventory (PTGI) which measures the level of benefit that people report following life crisis. Higher scores indicate greater degree of change in areas of interpersonal functioning, personal strength, seeing new possibilities, spiritual change and appreciation of life. Out of a maximum score of 126 the mean score rated by clients was 82 (SD 20), which indicates that the majority of clients are reporting positive changes made to their lives following having been a victim of crime.

<sup>8</sup> 42.3% agreed and 38.5% strongly agreed. No clients rated *strongly disagree or disagree*, and 19.2% rated *neutral*.

## A.4 Outlook

The priorities for Victim Support ACT for 2008-09 will focus on measures to consolidate and further enhance the integration of services, implementation of quality assurance and performance measures, strengthening inter-agency linkages and collaboration, and implementing the sexual assault and other special initiatives.

As a new agency within the Department of Justice & Community Safety, Victim Support ACT is likely to be called upon more frequently in future years to participate in policy and law reform, and service initiatives as they relate to victims of crime. The review of the *Victims of Crime Act 1994* and any resulting reform, especially with regard to the Victims of Crime Coordinator role and functions will have significant implications for Victim Support ACT.

It is likely that, as information about Victim Support ACT is more widely circulated and community outreach is conducted, client demand will increase in future years.

### **Service Development & Enhancement**

Priorities for service development and enhancement for 2008-09 include:

- A joint project with ACT Policing surveying victims of crime and examining best practice in responding to victims.
- A Service Model Project being identification of evidence-based and best practice in services and interventions for victims of crime, including review of the system of Approved Providers.
- Development of the Integrated Victims Database.
- Implementation, piloting and evaluation of Wraparound service standards to victims of sexual offences.
- Develop, with community partners, an Access to Justice & Services Program for Aboriginal & Torres Strait Islander Victims of Crime.
- Pilot and evaluation of group work with victims of crime.
- Negotiation of inter-agency protocols with agencies in the administration of justice, and within the community.
- Continued development with Legal Aid of the Victims of Crime Minor Legal Assistance Scheme.

## **Client Support**

It is a priority of Victim Support ACT that the voice of consumers and clients is given a stronger presence in service development, and that improvements are made to victims' knowledge of their rights and entitlements. To this end, Victim Support ACT will

- Develop and implement an evaluation framework of services.
- Issue a Clients Rights and Responsibilities Information Guide.
- Implement a (revised) Client Feedback procedure.
- Conduct in-service training on implications of and compliance with the *Human Rights Act 2004*.

## **Professional Development**

Supporting staff to deliver high quality services is a priority for the Department of Justice & Community Safety. The introduction of a training levy across agencies has meant that a core body of training is available for all staff. This in turn enables agencies to be more focussed on specific professional and technical training to support the business objectives.

Over 2008-09, Victim Support ACT will:

- Implement the Departmental Professional Achievement and Development Framework for all staff.
- Implement a Staff Development Policy.
- Implement an in-service seminar series of guest speakers.
- Identify opportunities for whole-of-service training.

## **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

As a new agency within the Department of Justice and Community Safety, there are no performance measures to report against for 2007-08. Further discussion on performance is contained within the Annual Report of the Department.

## A.8 Strategic Indicators

As a new agency within the Department of Justice and Community Safety, there are no strategic indicators to report against for 2007-08. Further discussion on strategic indicators is contained within the Annual Report of the Department.

## A.9 Analysis of Agency Performance

Information on how well Victim Support ACT has performed in meeting its objectives is contained in Section A2 of this Annual Report.

# Section B – Consultation and Scrutiny Reporting

## B.1 Community Engagement

As a new agency within the Department of Justice and Community Safety, Victim Support ACT has not engaged in any community consultation initiatives over 2007-08.

However, over the reporting period, staff within Victim Support ACT have supported the ACT Victims of Crime Coordinator (VoCC) conduct targeted focus discussions in relation to:

1. The experience of victims of sexual assault with the criminal justice system: potential respondents were contacted through the Office of the VoCC, the Office of the Director of Public Prosecutions, and through Canberra Rape Crisis Centre.
2. Views of key Aboriginal & Torres Strait Islander respondents on ways forward in responding to family violence: potential interviewees were nominated by a Project Reference Group and interviews were conducted by an independent consultant.

## B.2 Internal & External Scrutiny

There are no significant developments in internal or external scrutiny of Victim Support ACT to report on over the period 2007-08.

## B.3 Legislative Assembly Committee Inquiries and Reports

There are no commenced or completed inquiries by Legislative Assembly Committees that relate to the operations of Victim Support ACT to report on over the period 2007-08.

## B.4 Legislation Report

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

# Section C – Legislative and Policy Based Reporting

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

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

# C.7 Staffing Profile

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

TABLE 2: Total Number Employees

| PAID<br>HEAD<br><br>COUNT | PAID<br>FTE | FEMALE<br>HC | MALE<br>HC | %FEMALE<br>HC | %MALE<br>HC | FEMALE<br>FTE | MALE<br>FTE | %FEMALE<br>FTE | %MALE<br>HC |
|---------------------------|-------------|--------------|------------|---------------|-------------|---------------|-------------|----------------|-------------|
| 10                        | 10.00       | 9            | 1          | 90.00%        | 10.00%      | 9.00          | 1.00        | 90.00%         | 10.00%      |

TABLE 3: Classification of Employees

| CLASSIFICATION | CLASSIFICATION DESCRIPTION | FEMALE | MALE |    |
|----------------|----------------------------|--------|------|----|
| ASO5           | ADMIN SERVICE OFFICER 5    | 1      | 0    |    |
| HPO2           | HEALTH PROF OFFICER 2      | 1      | 1    |    |
| HPO3           | HEALTH PROF OFFICER 3      | 3      | 0    |    |
| HPO4           | HEALTH PROF OFFICER 4      | 2      | 0    |    |
| SOB            | SENIOR OFFICER B           | 1      | 0    |    |
| SOC            | SENIOR OFFICER C           | 1      | 0    |    |
|                |                            | 9      | 1    | 10 |

TABLE 4: Employment Category

| EMPCAT | CATEGORY OF EMPLOYMENT | FEMALE | MALE |    |
|--------|------------------------|--------|------|----|
| FP     | FULL-TIME PERMANENT    | 7      | 1    |    |
| FT     | FULL-TIME TEMPORARY    | 2      | 0    |    |
|        |                        | 9      | 1    | 10 |

**TABLE 5: 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 | 2      | 1      | 1      | 0      | 1       | 0        | 2        | 2       | 9     | 7.92                      |
| MALE   | 1      | 0      | 0      | 0      | 0       | 0        | 0        | 0       | 1     | 1.53                      |
|        | 3      | 1      | 1      | 0      | 1       | 0        | 2        | 2       | 10    | 7.29                      |

**TABLE 6: 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        | 0        | 1        | 1        | 0        | 1        | 4        | 1        | 1        | 0        | 0        |
| MALE   | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
|        | 0        | 0        | 2        | 1        | 0        | 1        | 4        | 1        | 1        | 0        | 0        |

## C.14 Government Contracting

Funds for the purchase of services were awarded to the Victims of Crime Assistance League (VOCAL) ACT (Inc.) over 2007-08 to the value of \$156,584 exclusive of GST per annum.

## C.16 Territory Records

Victim Support ACT is a new agency combining the Victims Services Scheme (VSS) and the Office of the Victims of Crime Coordinator (OVoCC). Records of both service streams are currently maintained in temporary facilities pending the allocation of permanent accommodation.

The draft Records Management Policy and Disposal Schedule of the OVoCC is to be superseded by the development of a policy for the agency as a whole.

Over the reporting period, officers within Victim Support ACT engaged with relevant officers within the Department of Justice and Community Safety to plan a program of implementation for records management and disposal.

As a new agency Victim Support ACT is not subject to the commencement of Part 3 of the Territory Records Act 2002. Neither does the VSS or the OVoCC fall subject to commencement as neither are more than twenty years old.

## 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 has moved to review its client statement of rights and responsibilities. A special training session for staff on the *Human Rights Act 2004* was commissioned in the reporting period and will be delivered in 2008-09.

## 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. Pursuant to this, staff within Victim Support ACT supported the Victims of Crime Coordinator to implement a research project in relation to Indigenous Victims of Crime. The research project comprises three parts being:

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

A Project Reference Group comprising both Indigenous and non-Indigenous persons has assisted the research.

## C.22 ACT Women's Plan 2004-2009

Victim Support ACT is committed to service delivery that promotes and supports women's access to service. Women constitute 58% 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.

# 3.

## VICTIMS OF CRIME FINANCIAL ASSISTANCE ACT 1983

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## 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 2007 – 2008

## Establishment of the Scheme

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

## Eligibility for Financial Assistance

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

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

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



## **Determination of Applications**

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

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

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

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

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

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

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

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 16 such applications in the reporting year. 13 of those applications resulted in provisional orders for restitution being made by the Court. There were 6 provisional orders confirmed during the financial 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 1,351 compensation levies imposed by the ACT Magistrates Court.

The total amount for compensation levies imposed in the reporting year was \$97,287.00. An amount of \$68,030.72 was paid for compensation levies in the reporting year.

**Tables**

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

| REPORTING YEAR | TOTAL NUMBER OF APPLICATIONS LODGED |
|----------------|-------------------------------------|
| 2003 – 2004    | 115                                 |
| 2004 – 2005    | 105                                 |
| 2005 – 2006    | 111                                 |
| 2006 – 2007    | 84                                  |
| 2007 - 2008    | 114                                 |

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

| PERIOD IN WHICH APPLICATION LODGED        | TOTAL AMOUNT AWARDED  | NUMBER OF AWARDS |
|---|-----------------------|------------------|
| BEFORE 24 JUNE 1998                       | \$ 46,842.65          | 4                |
| BETWEEN 24 JUNE 1998 AND 23 DECEMBER 1999 | \$ 4,000.00           | 1                |
| FROM 24 DECEMBER 1999                     | \$1,107,291.94        | 79               |
| <b>TOTAL</b>                              | <b>\$1,158,134.59</b> | <b>84</b>        |

**Table 3 – Awards by type of crime**

| CRIME                             | NO. OF AWARDS 2007-2008 | PAIN AND SUFFERING  | TOTAL AWARD           | PAIN AND SUFFERING AS A % OF THE WHOLE | AVERAGE AWARD   |
|-----------------------------------|-------------------------|---------------------|-----------------------|--|-----------------|
| ARMED ROBBERY                     | 1                       | 0                   | \$ 18,821.15          | 0                                      | \$18,821        |
| ASSAULT                           | 34                      | \$13,000.00         | \$510,058.32          | 3                                      | \$15,001        |
| ASSAULT AND ROB                   | 7                       | 0                   | \$ 41,274.52          | 0                                      | \$ 5,896        |
| ATTEMPTING TO EFFECT AN ARREST    | 8                       | \$37,250.00         | \$ 48,632.65          | 77                                     | \$ 6,079        |
| ATTEMPTING TO RESTRAIN            | 6                       | \$27,000.00         | \$ 27,436.00          | 98                                     | \$ 4,572        |
| BURGLARY                          | 1                       | 0                   | \$ 635.00             | 0                                      | \$ 635          |
| DOMESTIC VIOLENCE                 | 2                       | 0                   | \$ 31,619.40          | 0                                      | \$ 15,809       |
| HOME INVASION                     | 2                       | 0                   | \$ 53,001.22          | 0                                      | \$ 26,500       |
| NIGHTCLUB/PUB/ TAVERN ETC ASSAULT | 1                       | 0                   | \$ 24,331.23          | 0                                      | \$ 24,331       |
| OTHER                             | 1                       | \$ 2,500.00         | \$ 2,625.00           | 95                                     | \$ 2,625        |
| PROPERTY DAMAGE                   | 1                       | 0                   | \$ 280.00             | 0                                      | 280             |
| SEXUAL ASSAULT                    | 17                      | \$301,272.45        | \$393,849.75          | 76                                     | \$ 23,167       |
| STREET ASSAULT                    | 3                       | 0                   | \$ 5,570.35           | 0                                      | \$ 1,856        |
|                                   |                         |                     |                       |  |                 |
| <b>TOTAL</b>                      | <b>84</b>               | <b>\$381,022.15</b> | <b>\$1,158,134.59</b> | <b>33</b>                              | <b>\$13,787</b> |

**Table 4 – Pain and Suffering**

| VICTIM TYPE            | NUMBER OF AWARDS |
|------------------------|------------------|
| POLICE OFFICERS        | 14               |
| SEXUAL ASSAULTS        | 9                |
| SPECIAL ASSISTANCE     | 7                |
| OLD PAIN AND SUFFERING | 3                |
| <b>TOTAL</b>           | <b>33</b>        |

## 2007-2008 Summaries

### Magistrates Court

| NUMBER |   | TOTAL<br>AWARD        | DATE OF<br>AWARD |
|--------|---|-----------------------|------------------|
| 96/98  | A male person was assaulted and suffered a fractured jaw, nerve damage to the lip and several loosened teeth. The nerve damage was ongoing and impaired his sensation over the lower lip. A male person was convicted of an offence in relation to the incident. The applicant was awarded \$20,000 for pain and suffering. Sections 6(1)(c) and 5(4) of <i>Criminal Injuries Compensation Act 1983</i>   | \$21,256.00           | 22/08/07         |
| 98/158 | The applicant was an infant who witnessed assaults upon her father. She has received long-term counselling treatment. A further interim award was made to cover ongoing treatment costs. Section 6(1)(a) <i>CIC Act 1983</i>  | \$1,200.00<br>Interim | 18/03/08         |
| 99/235 | A male victim was attacked and suffered fractures, burst ear drum, facial bruising, constant buzzing, headaches and loss of concentration. The person who attacked the applicant was charged with assault. The applicant was awarded \$4,000, pursuant to section 6(1)(a).  | \$4,000.00            | 14/12/07         |
| 00/65  | A female police officer was injured whilst attempting to charge a male person following his apprehension. She suffered injury including a bite to her right hand, abrasions to her face, bruising and abrasions to her legs, scarring to her thumb and forehead, psychological injury and the need to undergo testing for HIV and hepatitis. The offender was charged with assault. The applicant was awarded \$12,500 for pain and suffering. Section 10(1)(e) | \$12,500.00           | 31/08/07         |
| 00/66  | The female police officer referred to in 00/65 above, was also previously assaulted in the course of her employment by a female person and suffered injury to her nose, lower back, face, bruising to her legs, psychological injury and dizziness. The applicant was awarded \$10,000 for pain and suffering. Section 10(1)(e)   | \$10,000.00           | 29/08/07         |
| 01/33  | A female person was assaulted whilst visiting her sister by her sister's former de facto partner. The victim sustained lacerations to her mouth, abrasions to her forehead, bruising, pain and post traumatic stress disorder. The victim was unable to work and received an award for pecuniary loss and other out-of-pocket expenses. Sections 10(1)(a)(b)&(c)  | \$22,303.73           | 13/6/08          |
| 01/46  | An interim award was made in this matter on 20 October 2003 as a result of an assault on the applicant's son. A further interim award was made. Sections 10(1)(a) and 10(1)(c)  | \$4,168.00            | 06/07/07         |
| 01/113 | The applicant was the person responsible for the maintenance of a child who was indecently assaulted by a male youth. The male youth was sentenced to a period of detention in relation to the offence. An interim award was made. Section 10(3)(b)   | \$8,975.00            | 08/08/07         |
| 02/64  | A male police officer was assaulted and suffered injury to his knee whilst attempting to arrest a male person. The offender was convicted of resisting arrest. Section 10(1)(c)   | \$698.00              | 27/08/07         |

| NUMBER |  | TOTAL<br>AWARD         | DATE OF<br>AWARD |
|--------|--|------------------------|------------------|
| 02/96  | A female victim was sexually assaulted by an unknown male. The victim subsequently suffered from depression, anxiety, sleep disturbances, loss of appetite, intense fear. Pursuant to 10(3)(a) an interim award was made.  | Interim<br>\$12,600.00 | 05/12/08         |
| 02/100 | The applicant has been receiving treatment following an assault upon her in 2002. A further interim award was made covering treatment expenses. Section 10(1)(a)   | Interim<br>\$2,271.26  | 08/04/08         |
| 03/05  | The applicant was assaulted whilst working as a taxi operator in 2002. A further interim award was made covering ongoing expenses related to the assault. Section 10(1)(a)   | Interim<br>\$5,334.85  | 08/04/08         |
| 03/94  | A male person was assaulted and suffered a severe head injury, fracture to the ear canal, dizziness, vertigo, loss of sense of smell, spinal tremors and psychological injury. The male offender was convicted of assault occasioning actual bodily harm. The applicant was awarded \$30,000 for special assistance. Section 10(1)(a), (b) and (c)   | \$50,000.00            | 10/09/07         |
| 04/36  | A female victim was sexually assaulted by a known male. The victim suffered chronic depressive disorder, anxiety, post traumatic stress disorder, self harming thoughts, sleep disturbances, and panic attacks. Pursuant to section 10(1)(f) an interim award was made.  | \$25,000.00            | 05/12/07         |
| 04/101 | A female person was assaulted and suffered injury including impact injury to the head, scarring to the forehead, impact injury to the hip, concussion and psychological injury. A male person was convicted of offences in relation to the incident. The applicant was awarded \$20,000 for pain and suffering. Sections 5(4), 6(1)(a) and (c) of <i>Criminal Injuries Compensation Act 1983</i> | \$24,200.79            | 27/08/07         |
| 05/73  | A female youth was sexually assaulted on a number of occasions and suffered psychological injury including social phobia. The applicant was awarded \$12,500 for pain and suffering. Sections 10(1)(a) and (f)   | \$17,240.00            | 05/09/07         |
| 06/02  | A female victim was sexually assaulted by a male ex- partner. The victim subsequently suffered chronic post traumatic stress disorder, and major depressive disorder. Pursuant to section 10(1)(a) an interim award was made.  | Interim<br>\$1,860.00  | 26/11/07         |

| NUMBER |   | TOTAL<br>AWARD         | DATE OF<br>AWARD |
|--------|---|------------------------|------------------|
| 06/05  | The applicant is a police officer who suffered injury whilst attempting to separate two fighting male persons. He sustained a torn right bicep muscle. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)  | \$8,581.00             | 20/2/08          |
| 06/06  | A male victim was physically attacked by a known male with a machete. The victim subsequently suffered, fractures to the skull and arm, lacerations to the arm, shoulder and feet, injuries to the arm and feet including muscle and nerve damage, brain injury resulting in short term memory loss, shock, trauma and damage to teeth. Pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(d) an interim award was made. | Interim<br>\$34,820.48 | 26/11/07         |
| 06/09  | A male person was assaulted by one or more male persons and suffered injury including cranial haematoma, a broken jaw, a laceration to the head, subdural haematoma and injury to his left elbow. He also suffered psychological injury, memory loss and difficulty concentrating. The offender/s were not identified. Sections 10(a) and (c)   | \$22,060.00            | 03/10/07         |
| 06/28  | A female victim was sexually assaulted by a unknown male. The victim subsequently suffered psychological trauma. The victim was awarded an amount pursuant to sections 10(1)(a), 10(1)(c) and 10(1)(d).   | \$43,578.00            | 14/12/07         |
| 06/44  | A female person was assaulted by her male partner and received injury including bruising, swelling and internal bleeding to the eye, bruising to the stomach, neck, back, upper chest, forearm and lower thigh, and psychological injury. The male offender was charged with several offences in relation to the incident. Section 10(1)(a)   | \$7,146.45             | 29/08/07         |
| 06/49  | A male person was physically attacked by another male with a knife. The victim sustained stab wounds to his right ankle, right inner thigh and his left shoulder blade. The victim was awarded an interim amount of financial assistance for ongoing psychological treatment and past counselling sessions. Section 10(1)(a)  | \$6,088.20<br>Interim  | 14/03/08         |
| 06/62  | The applicant was the victim of a knife attack. He sustained lacerations to his face and shock and psychological trauma. An interim award was made to cover medical expenses incurred and the cost of additional security measures at his house. Section 10(1)(a)   | \$9,688.37<br>Interim  | 25/02/08         |
| 06/79  | A female police officer was assaulted by a male youth after he had been placed under arrest during an incident. She suffered injury to her lower back, buttock and psychological injury. The male offender was charged with a further offence in relation to the incident. The applicant was awarded \$3,250.00 for pain and suffering. Section 10(1)(e)  | \$3,250.00             | 24/08/07         |
| 06/80  | A male person was assaulted by a group of males and suffered the loss of a tooth and damage to other teeth. The offenders were not identified. Section 10(1)(a)   | \$12,283.93            | 10/09/07         |



| NUMBER |   | TOTAL<br>AWARD         | DATE OF<br>AWARD |
|--------|---|------------------------|------------------|
| 06/84  | A male person was assaulted and suffered injury including 2 broken teeth, headaches and blurred vision, swollen mouth and slurred speech. The applicant subsequently suffered infection to the gums resulting in an abscess. The applicant also suffered financial loss due to time off work and the replacement of damaged clothes. The male offender was identified but no charges were laid. Sections 10(1)(a) and (b) | \$11,992.95            | 29/08/07         |
| 06/85  | A police officer was injured whilst attempting to arrest an offender. The applicant was struck to the face and suffered injury to his left little finger. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)   | \$4,070.00             | 07/02/08         |
| 06/86  | The same police officer in 06/85 was involved in an earlier incident when attempting to remove squatters from premises. In this incident, he sustained general bruising and abrasions and a need to undergo blood testing. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)  | \$4,510.00             | 18/02/08         |
| 06/91  | An elderly female person was assaulted and robbed, suffering injury including a dislocated shoulder, fractured eye socket, fractured cheekbone and fractured nose, as well as psychological injury. The offender was not identified. Section 10(1)(a)   | \$17,597.00            | 26/07/07         |
| 06/93  | A female was assaulted and suffered injury including a black eye, subconjunctival haematoma, swelling over her cheekbones, bruising to her mouth and elbows, and abrasions to her knees, shin and thigh. Charges were not laid in relation to the incident. An interim award was made. Section 10(1)(a)   | \$4,000.00             | 16/10/07         |
| 06/94  | A male victim was physically assaulted by an unknown male. The male victim was stuck with a clenched fist in the face by the unknown male. The victim subsequently suffered bruising and swelling of the face, lacerations to the face and damage to the teeth. Pursuant to section 10(1)(a) an interim amount was awarded.   | Interim<br>\$12,300.00 | 19/10/07         |
| 07/01  | The male applicant fell whilst running from a male person who was pursuing him. The applicant suffered injury including a labral tear to his left hip, trochanteric bursitis, mid and lower back injury, spinal injury, and psychological injury. The offender was convicted of offences in relation to the incident. An interim award was made. Sections 10(1)(a), (b) and (c)   | \$4,990.20             | 04/04/07         |
| 07/02  | A male person was assaulted by 4 male persons and suffered injury including severe bruising, abrasions and swelling to his head and face, two black eyes and bruising to his upper arm. He also subsequently suffered headaches, pain to his jaw and teeth. The offenders were not identified. Sections 10(1)(a), (b) and (c)   | \$2,769.12             | 29/08/07         |
| 07/03  | A male police officer was assaulted and suffered injury whilst attempting to arrest a male person. The officer suffered injury to his testicles, right forearm and right knuckle. The offender was charged with further offences in relation to the incident. The applicant was awarded \$3,000 for pain and suffering. Sections 10(1)(c) and (e)   | \$3,070.00             | 18/07/07         |

| NUMBER |  | TOTAL<br>AWARD         | DATE OF<br>AWARD |
|--------|--|------------------------|------------------|
| 07/04  | An off duty male police officer was injured whilst attempting to restrain a male person. The applicant was bitten by the offender and suffered a laceration to his hand, fear of transmission of HIV and Hepatitis C, and psychological injury. A male person was charged with offences relating to the incident. The applicant was awarded \$5,000 for pain and suffering. Sections 10(1)(c) and (e)  | \$5,070.00             | 18/10/07         |
| 07/06  | The applicant was assaulted by 2 offenders whilst at home. He suffered a broken nose, bruising, damage to his teeth and psychological injury. An interim award was made to cover out-of-pocket medical expenses and pecuniary loss due to an inability to work. Sections 10(1)(a) and 10(1)(b)   | \$24,193.70<br>Interim | 15/04/08         |
| 07/09  | A female victim was attacked by a unknown male. The unknown male had attempted to steal the female victims handbag and in the struggle the female victim has fractured her right thumb, bruised and lacerated her face, shoulder and knees, and suffered nervous shock. The victim was awarded an amount pursuant to section 10(1)(a).   | \$370.35               | 07/11/07         |
| 07/15  | A police officer was injured whilst attempting to remove a suspect from a motor vehicle. He suffered an injury to his right hand including a fracture of his right carpal bone, along with psychological injury. An award of special assistance in the amount of \$10,000.00 was made. Sections 10(1)(c) and 10(1)(e)  | \$10,251.20            | 14/03/08         |
| 07/17  | A male person was assaulted and suffered injury including bleeding in the brain cavity and membrane around the ear, temporal bone fracture, fracture through the right hearing anal, severe concussion and headaches. Long term injury included profound and permanent hearing loss and tinnitus in his right ear, loss of smell, loss of mental acuity and psychological injury. The male offenders were not identified. The applicant was awarded \$30,000 for special assistance. Sections 10(1)(a) and (d) | \$30,575.62            | 12/07/07         |
| 07/21  | A female suffered an injury during her course of employment whilst assisting a female who was in custody. The victim was spat on by the female and subsequently suffered anxiety and distress associated with the need to undergo testing for infectious disease. The victim was awarded an amount pursuant to sections 10(1)(c) and 1(e)  | \$2,572.00             | 12/11/07         |
| 07/22  | The applicant was assaulted by a group of offenders whilst at a park with friends. He sustained significant dental injuries. An award was made to cover dental expenses. Section 10(1)(a)  | \$4,076.05             | 28/02/08         |
| 07/27  | A female victim was threatened by an unknown male intruder. The intruder also damaged the female victim's property. The victim suffered psychological injury. The victim was awarded an amount pursuant to section 10(1)(a)  | \$280.00               | 07/11/07         |
| 07/36  | The applicant police offer was injured whilst executing a warrant for the arrest of an offender. He suffered a rotator cuff strain and other injuries. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)   | \$13,081.00            | 16/05/08         |

| NUMBER |   | TOTAL<br>AWARD               | DATE OF<br>AWARD         |
|--------|---|------------------------------|--------------------------|
| 07/39  | The applicant was assaulted by a group of offenders after leaving an ATM machine. He sustained a fractured skull in the incident. An interim award was made to cover medical and other expenses incurred. Section 10(1)(a)  | \$549.55                     | 07/02/08                 |
| 07/44  | The applicant was the subject of a home invasion and sexual assault. She suffered a hand injury and significant psychological injury. An award of special assistance was made. Section 10(1)(f)   | \$45,000.00                  | 04/03/08                 |
| 07/47  | The applicant was assaulted and robbed on his way home from a work Christmas party. He sustained a broken jaw, chipped teeth and psychological injury. Interim awards were made on 22/1/08 and 19/3/08 to cover his medical and other expenses incurred as a result of the incident. Section 10(1)(a) | \$8,788.10<br>& \$5,686.30   | 22/01/08<br><br>19/03/08 |
| 07/48  | A male victim was assaulted after by an unknown male as a result of assisting another male being assaulted. The male victim suffered damage to teeth, lip and gums. Pursuant to sections 10(1)(a) and 10(1)(c) an interim was awarded   | Interim<br>\$17,331.15       | 22/11/08                 |
| 07/55  | The applicant was a victim of sexual assaults by a family member over a period of 3 years. She suffered long term psychological harm and received a maximum award of assistance. Sections 10(1)(a) and 10(1)(f)   | \$50,000.00                  | 20/5/08                  |
| 07/62  | The applicant police officer was injured whilst attempting to escort an offender at the City Watchhouse. He sustained injuries to both thumbs. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)  | \$7,764.45                   | 08/05/08                 |
| 07/68  | The applicant was assaulted after leaving a nightclub in the early hours of the morning. He sustained dental injuries as a result. An interim award was made to cover dental expenses incurred to date. Section 10(1)(a)  | \$1,759.00<br>Interim        | 10/04/08                 |
| 07/71  | The applicant was assaulted after leaving a club. He sustained injuries to his teeth, nose and arms. An award was made to cover the cost of dental treatment. Section 10(1)(a)  | \$2,448.00                   | 29/02/08                 |
| 07/73  | The applicant was the victim of a sexual assault. She sustained significant psychological injury. An award of special assistance was made. Sections 10(1)(a) and 10(1)(f)   | \$41,195.30                  | 28/03/08                 |
| 07/75  | The applicant sustained a broken jaw and damaged teeth in an assault by a group of 6-8 offenders. An interim award was made to cover outstanding medical expenses. Section 10(1)(a)   | \$5,252.70<br>Interim        | 08/05/08                 |
| 07/80  | A police officer was injured during the carrying out of his duties when pursuing an offender. He sustained physical injury to his knees, back and eye, and required hospitalisation. An award of special assistance in the amount of \$8,000.00. Sections 10(1)(c) and 10(1)(e)                       | \$8,143.00                   | 25/02/08                 |
| 07/83  | A male taxi driver was sexually assaulted by a passenger. The applicant sustained psychological injury. An interim award was made to cover medical expenses incurred. Section 10(1)(a)  | \$515.00<br>Interim<br>award | 14/03/08                 |

| NUMBER |  | TOTAL<br>AWARD         | DATE OF<br>AWARD |
|--------|--|------------------------|------------------|
| 07/84  | The applicant police officer suffered injury whilst engaged in a pursuit of a suspect. He sustained injuries to his right elbow after falling. An award of special assistance was made. Sections 10(1)(c) and 10(1)(e)   | \$7,136.00             | 22/05/08         |
| 07/99  | The applicant was assaulted after leaving a nightclub in the early hours of the morning. He suffered haematomas to his face and significant swelling and bruising. The application was unable to work and received an interim award for lost wages. Section 10(1)(b) | \$20,000.00<br>Interim | 04/03/08         |
| 07/101 | The applicant sustained injuries after leaving licensed premises. He was king hit to his jaw which required surgery. An award was made for medical expenses and pecuniary loss. Sections 10(1)(a) and 10(1)(b)   | \$18,118.44            | 08/04/08         |
| 08/14  | The applicant was assaulted outside a nightclub by an unknown male. She suffered injuries to her jaw. An interim award was made to cover medical expenses. Section 10(1)(a)  | \$5,173.42<br>Interim  | 30/04/08         |
| 08/32  | The applicant was the subject of an armed hold-up at her office. She sustained psychological injury. An interim award was made to cover locksmith expenses and the expense of bringing the application. Sections 10(1)(a) and 10(1)(c)                               | \$635.00<br>Interim    | 20/05/08         |

# VICTIM of CR SUPPORT

