



VICTIMS of CRIME SUPPORT PROGRAM

ANNUAL REPORT
2005 – 2006



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Introduction

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



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Friday, 15 September 2006

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

Dear Mr Corbell

I am pleased to submit to you, 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, the Annual Report for the Victims of Crime Coordinator. 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 2005 to 30 June 2006 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 1, Part 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

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

Robyn Holder
VICTIMS OF CRIME COORDINATOR

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
FEMAG	Foundation for Effective Markets and Governance
FVIP	Family Violence Intervention Program
UN	United Nations
VOCAL	Victims of Crime Assistance League (ACT)
VoCC	Victims of Crime Coordinator
VSS	Victims Services Scheme

VICTIMS OF CRIME COORDINATOR

01

PART A VICTIMS OF CRIME COORDINATOR REVIEW

The 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*. It is administered within the Magistrates Court.

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

- be present at the hearing of a proceeding in court, unless the court directs otherwise;
- investigate conduct in the administration of justice where there are reasonable grounds to assume a breach of the Governing Principles;
- report matters to the Attorney-General; and
- 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*.

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.

Highlights for 2005-2006

Convened and co-hosted, with the ACT Human Rights & Discrimination Commissioner, a national forum on victims' rights in a human rights framework.

Convened and co-hosted, with Victim Support Australasia, a gala dinner to mark the 20th anniversary of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Co-ordinated a research review of the Family Violence Intervention Program (FVIP), and conducted a preliminary statistical analysis of domestic violence incidents.

Provided detailed submissions to:

- review of the *Children and Young People Act 1999*,
- review of the *Human Rights Act 2004*;
- Legislative Assembly Committee enquiries into Restorative Justice in Youth Settings, and the ACT Auditor General's Report into Courts Administration; and
- the reviews of the Office of the Director of Public Prosecutions and of the Victims Services Scheme.

Published longitudinal analysis of data from the Family Violence Court.

Outlook for 2006-2007

The priorities for the VoCC remain those specified by the *Victims of Crime Act 1994*, and described as objectives (above). On past years' records, the demand for services from victims and their families will continue to be high in the foreseeable future. The outcome to the Review of the Victims Services Scheme (VSS) by the Department of Justice and Community Safety (DJACS) is likely to impact on the VoCC Office.

Specific targets for 2006-2007 include to:

- Seek a law reform review of the *Victims of Crime Act 1994*.
- Develop a proposal for research and evaluation of the Family Violence Intervention Program.
- Respond to Departmental Review of the Victims Services Scheme.
- Manage research into Indigenous Victims of Crime.

Overview

The Victims of Crime Coordinator's Office

The Victims of Crime Coordinator's Annual Report for 2004-2005 reported on significant concern about the resources available to fulfil the statutory duties contained within the *Victims of Crime Act 1994*. A similar degree of concern relates to the capacity of the Office to fulfil the statutory duties of the Domestic Violence Project Coordinator under the *Domestic Violence Agencies Act*. The responsibilities of both positions are held by one person with the assistance of one project officer. These concerns remain for the current reporting period making this the third year in which they have been reported.

The situation remains chronic and seriously compromises the capacity of the Victims of Crime Coordinator (VoCC) to fulfil the functions of independent statutory advocacy.

The Coordinator's previous Annual Report also put a case for a law reform review of the *Victims of Crime Act 1994*. Such a review is long overdue. The required focus of a review is to examine how effectively those engaged in the administration of justice are responding to the obligations imposed upon them pursuant to the Act's General Principles, of the 'rights' of victims generally, and a review to consider the role, functions and powers of the Victims of Crime Coordinator.

The Departmental Review of the Victims Services Scheme that has carried over from the previous reporting period to the current one is welcome in its focus on improving the delivery of rehabilitation and recovery services for victims. It is not, however, a review of the *Victims of Crime Act* and of the supports available to enhance the rights and responsibilities of victims in the administration of justice. Neither is it a review of effective mechanisms to promote compliance with the Act. A law reform process is required to be open and transparent. This is necessary to ensure the community's confidence in the administration of justice.

The Coordinator's previous Annual Report further stated that clarification had been requested from the Department of Justice & Community Safety as to the administrative and financial responsibilities of and boundaries to the VoCC position. This request remains outstanding.

Independent Statutory Advocacy

These impediments suggest that the role and nature of the VoCC may not be fully understood. This Annual Report provides an opportunity to reflect upon some aspects of the position.

The concept of 'advocacy' responds to an understanding that "many people in society are disempowered by systems which have a significant effect on almost every aspect of their lives."¹ An advocate speaks or acts on another's behalf to secure them enhanced rights or to bring about a beneficial change in their life.² Advocacy describes actions taken to:

- Safeguard people who are vulnerable.
- Enable people to express their needs and make their own decisions.
- Access information for and enable access to information to explore options and participate in decision-making.
- Speak without constraint on behalf of people who are unable to do so for themselves.

¹ Extracted from *Principles and Standards of Independent Advocacy Organisations and Groups*, Advocacy 2000, located at www.siaa.org.uk

² Henderson, R. & Pochin, M. (2001), *A Right Result: advocacy, justice and empowerment*, Bristol, The Policy Press.

The Foundation for Effective Markets and Governance (FEMAG) *Review of Statutory Oversight Agencies and Community Advocacy* notes a distinction between individual advocacy (comprising the actions listed above) and systemic advocacy (October 2003:78-79). The previous Annual Reports for the VoCC make a similar distinction.³ Systemic advocacy is conducted through (for example) law reform, policy submissions, 'own motion' investigations, and through evaluation and research.

How is it that people who have been made victims of crime might need advocacy?

Crime is a multi-faceted issue including as it does a broad range of offences against the person, and different types of offences against property. Crime affects an extraordinary number and diverse range of people in the ACT community whether they are adult or child, male or female, and whatever their ethnic or racial background or other personal characteristics.

NATIONAL DATA: 17% of people surveyed said they had been a victim of crime in the past year (9% for personal crime)⁴

The cost of violence offences to the community (excl justice costs) is \$1.56 billion per year⁵

31% of assault victims report the incident to police⁶

Males are more likely to be victims of any type of offence except kidnapping/abduction and sexual offences⁷

Offences of assault and sexual assault reported to police are increasing⁸

Women & girls are twice as likely to be assaulted by someone they know compared to male victims⁹

Depending on the nature of the incident and other factors, very many people manage to get back on track with their lives following criminal victimisation. But a significant number of people are knocked sideways by what has happened to them and some are never the same again. The unique combination of the incident(s) itself joined with the physical, financial, material, social and psychological consequences make a debilitating burden.

In essence, crime disempowers people and undermines the normal capacity of an individual (and often their family) to act for themselves and to function effectively. In many circumstances, this impact on capacity is not serious or long term especially in offences against property. Generally about 10% of victims (more depending upon the nature of the offence) experience long term and debilitating psychological and/or physical consequences. These consequences will be additional to other financial, vocational, social or practical impacts of the criminal incident(s).

³ Victims of Crime Coordinator, *Annual Reports 2001-02, 2002-03, 2003-04, 2004-05*.

⁴ AIC (2006), *Australian Crime – Facts & Figures*, Canberra, p.45-47. Data from the International Crime Victim Survey 2004.

⁵ Mayhew, P. (April 2003), *Counting the Cost of Crime in Australia*, AIC, Canberra.

⁶ ABS (2005), *Recorded Crime – Victims*, ABS, Canberra

⁷ Ibid.

⁸ AIC (2006), *op.cit.*, p.11.

⁹ Ibid., p.23

CASE 1: John (not his real name) was assaulted by an unknown person(s). John works in the building industry as a self-employed contractor. His injured shoulder required reconstructive surgery and numerous sessions of physiotherapy a week. He could not work for an extended period of time and went into debt. As a consequence John could not maintain his rent and had to relocate to smaller accommodation. One year after the incident, John is on restricted work duties and is facing a second round of surgery.

Advocacy, sometimes in the form of case management or case coordination, responds to this vulnerability, and to these multiple needs.

In addition, however, the criminal incident may give rise to processes, especially within the justice system, that the victim does not control and that are at best unfamiliar and at worst deeply alienating and even abusive. This at a time when individuals and their families struggle with what may be called normal trauma reactions to abnormal events. The administration of justice has profound actual and symbolic significance for victims of crime and their families. At the same time and to a very real extent, the system relies on victims of crime to enable it to function. These responsibilities include reporting crime to authorities, to provide a statement and other evidence to law enforcement, to cooperate with the prosecution as a witness, and to respond promptly to requirements to attend court.

Yet our contemporary criminal justice system provides very little (and often nothing) that is practically enabling of people who are victims to undertake these responsibilities and to have their experience fully considered by decision-makers. Case status information is not readily made available, and access to information is difficult to obtain if not denied. Where support is offered it is usually short term, specific to a particular step in the justice process and conditional upon factors other than the person's interests. For such a procedurally driven system, there is remarkably little certainty or predictability to offer victims as to timeframes, options, and outcomes in criminal justice. Similarly, aside from certain offence areas where investment has been sustained, there are almost no routine and robust mechanisms in place to enable victims to take up the few opportunities available (such as Victim Impact Statements) to participate in the justice process.

CASE 2: Dennis (not his real name) was wounded with a knife and hospitalised for 3 days. The person charged with a number of offences was referred to the Mental Health Tribunal. After several adjournments, the more serious charge was not proceeded with and the lesser charge dismissed under s334 of the *Crimes Act 1900*. Contrary to the *Victims of Crime Act 1994*, the victim was neither consulted nor advised about the decision to modify the charges, and nor was he advised about the outcome of proceedings. There is no requirement to inform or involve the victim of an offence of proceedings under the *Mental Health (Treatment and Care) Act 1994*. Two years after the incident Dennis remains unable to resume his studies at a technical college.

Advocacy acknowledges that information is power, and information is critical to enable people to participate in their justice system.

What statutory advocacy offers victims of crime

Statutory advocacy is established “when a degree of operating independence is seen to provide either objectivity or to promote efficiency”.¹⁰ The Uhrig Review (2003:31) identified a number of ways in which statutory authority¹¹ contributes to these outcomes being:

- The separation of specialised activities,
- Providing a narrow and clearly defined set of functions,
- Establishing a degree of independence, and
- Creating a distinct body to deal with cross-portfolio matters.

The Review notes that through such establishment, “Government can allocate dedicated resources to achieving specific functions. This provides confidence for the Parliament, the Government and the community that sufficient commitment and resources are being provided to areas of specialisation.”

Statutory advocacy for victims of crime therefore reflects recognition by the ACT Legislature and community that these interests are so important to the administration of justice and community confidence that they should be recognised and set down in law. It further recognises that in the justice system nothing happens without authority in law or legitimacy granted through statute.

CASE THREE: Theresa (not her real name) is proprietor of a small suburban business. A person committed acts in relation to this business that constituted fraud. Theresa suffered a financial loss. The defendant was charged with this and related offences. Contrary to the *Victims of Crime Act 1994*, the victim was not kept informed of the progress of investigations, was not advised that a person had been charged and only found out about the outcome of proceedings through newspaper reports. As a consequence, the proceedings finalised before Theresa could have a reparation request and a Victim Impact Statement considered by the sentencing Court. This matter was one of a number that raised systemic issues about procedures to notify multiple victims of one offender under a major police operation, and about the inadequacy of procedures for routine inclusion of information in relevant matters for court to do with material and other loss suffered by victims. Under s350 of the *Crimes Act 1900*, a sentencing Court may consider imposing a reparation order on a defendant as redress for loss suffered by an injured person. This provision has become s19 of the *Crimes (Sentencing) Act 2005*. Actions have been taken by the VoCC to seek changes to practice and procedure in both police and prosecution to ensure greater consistency and reliability for victims. In addition, submissions were made as part of the Government’s Sentencing Reform. Legislation in the ACT provides that the DPP may apply to the court for a reparation order. In some European countries, an independent legal representative may appear on behalf of the victim to seek that a reparation order be made.

The statutory framework implies an approach to advocacy that upholds the rights and dignity of the individual within an overall focus on the whole constituent group. That is, victims of crime in general. Statutory advocacy in this context may draw upon both ‘best interests’ advocacy and ‘public interest’ advocacy.¹²

¹⁰ Uhrig Review (June 2003), *Review of Corporate Governance of Statutory Authorities and Office Holders*, Commonwealth of Australia, 0.31.

¹¹ The Victims of Crime Coordinator’s position is defined as an ‘entity’ under sections 196 and 226 of the *Legislation Act*. A ‘position’ is taken to include an ‘office’ as an ‘entity’.

¹² For a discussion on these aspects within a community advocacy context, see FEMAG, *Review of Community Advocacy & Statutory Oversight Agencies* (Oct 2003), pp78-84.

Furthermore, statutory advocacy sets out a framework of requirements and certain powers that enable the interests of the constituency of ‘victims of crime’ to be upheld and responded to on an individual and collective basis with some degree of authority.

Does statutory advocacy for victims of crime in the administration of justice need to be independent?

The Uhrig Review stated (2003:7) that the case for **independence** for a statutory authority could be made out “when [the] functions require a level of separation from government to ensure objectivity”.

The review notes that such objectivity is commonly a key criterion where the function performed is a regulatory one. The VoCC position is both specifically and generally regulatory. In general terms, the position is required to promote the governing principles of the *Victims of Crime Act* (s7a) to agencies engaged in the administration of justice (the ‘regulated community’). In specific terms, the position has the power to institute an investigation into conduct in the administration of justice where there is reasonable grounds to believe that the conduct involves a breach of the governing principles (s9).

People in the ACT community who have become a victim of crime experience a significant fracture of their trust in others. Victims whose matter proceeds through the criminal system are rapidly made aware that their status is not directive of proceedings, and that decisions can and will be made sometimes irrespective of their views and certainly independent of a person’s private interests. In these circumstances, the sense that someone “speaks for me” becomes vitally important for victims of crime.¹³ In the administration of justice, victims need to feel confident that their situation is understood, personal information is secure, their interests are fully represented, and that specialised knowledge and authority exists to ensure that their rights are protected.

CASE FOUR: The decision of the Director of Public Prosecutions (DPP) to prosecute and on what charges is a heavy responsibility. The Director’s legislative role and published Guidelines specify the criteria upon which these decisions are made. The fair administration of justice requires that the Director is an independent entity so as to ensure these decisions are influenced only by those criteria. Donna (not her real name) was devastated by the killing of her only son and found it very difficult to understand and be reconciled to aspects of prosecution decision-making. Victim’s families are keenly aware of the importance a robust prosecution. The role of the VoCC as an independent advocate between Donna and the DPP recognised the unique vulnerability of her position.

The civil and criminal legal systems and the various related tribunals provide structures and processes for the resolution of offences and disputes arising from the ACT community. To a large extent these legal and quasi-legal processes rely upon both legal and non-legal professionals to put arguments and take actions designed to find proper resolution. A statutory advocate for victims within this system must be able and free to act, consistent with the enabling legislation, to ensure individuals’ interests and rights are upheld and to enable their effective engagement.

¹³ A point also made in the FEMAG Review pp.33-38.

Uhrig comments that “a regulator must also be able to build and maintain the respect of the regulated community for the way in which it conducts its operations. The regulated community does not have to agree with the regulator’s decisions but the regulator should be regarded by the community as operating with competency and equity within its delegated responsibilities.”¹⁴ Agencies engaged in the administration of justice in the ACT – police, prosecution, courts and corrections – require a considerable degree of certainty and clarity as to the competence and equity of the VoCC in what are often sensitive and complex matters.

Independence from Government and the bureaucracy are one means of the VoCC undertaking statutory duties with due diligence, objectivity, efficiency, competence, specialisation and equity.

LAW REFORM: The position of the Government of the day on any given law reform issue is necessarily informed by a range of influences. Government decisions are similarly made for a range of reasons. An independent advocate is charged – pursuant to the enabling statute – to present argument that is informed by empirical research and by the experience of the relevant client group. The independent statutory advocate is at liberty to present such argument whether or not it concurs with the position of the Government of the day.

The nature of an independent statutory appointment is designed to reflect and nurture these requirements. The *Victims of Crime Act* provides for a person to be appointed by the Minister by way of disallowable instrument for a period up to three years on conditions set out in the Act. The Act also allows for a person to be reappointed. The current incumbent has been reappointed on three further occasions since the original appointment in 1996.

In the reporting period, a new, merit-based process for appointment was instituted. A merit process for independent statutory office holders is not undesirable. It does, however, require a high degree of clarity and transparency. In addition, the short term, highly specialised focus, experience and skill required of statutory appointments are ordinarily reflected in appropriate terms and conditions.

The 12 month appointment to the VoCC position that has arisen from the merit process in the reporting period cannot in any way be said to support the fundamental requirements of and obligations imposed upon an independent statutory officer.

Advocacy for Victims of Crime

Systems Advocacy

As stated above, systems advocacy comprises activities focussed on policy, procedural, service and legislative reform with agencies engaged in the administration of justice. Since the inception of the VoCC position, systems advocacy has been a key reform method and some specific aspects are highlighted below.

- *Sentencing Reform* – the *Crimes (Sentencing) Act 2005* and the *Crimes (Sentence Administration) Act 2005* contain provisions that enable a greater degree of victim access to information and of victim participation in certain justice processes. The VoCC made representations providing examples from other jurisdictions of mechanisms to deliver on these enhanced ‘rights’.

¹⁴ Uhrig Review, *op.cit.*, p.59.

The 'No Witness No Justice' Initiative by the UK Home Office serves to create an 'opt-in' process for victims of crime within the justice system. The Office of the Director of Public Prosecutions in Western Australia provides for web-based victim registration for information provisions. The South Australian Government has moved to establish one office that may act to provide victims with ready access to information and advocacy in their engagement with the justice system. Under s215 of the *Crimes (Sentence Administration) Act 2005*, the Chief Executive must maintain a register of victims of offenders. The practice of registration has been focused on victims of incarcerated offenders. Proactive contact and registration is not in prospect. A delegation of the Chief Executive's authority to the statutory advocate for victims to enable a centralised registration and notification facility would complement the responsibilities of other agencies, and would accord with international and national trends. It is also consistent with consideration of more cohesive service responses envisaged under the Departmental Review of the Victims Services Scheme.

Centralising victim contact information within the VoCC Office in essence argues for the means to maintain an Integrated Victim Database in support of the statutory responsibility of the position "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" (s7g). A centralised registration scheme would enable more coordinated case management, easier access to support, appropriate security for sensitive victim disclosures, and a more deliberative engagement by victims with the management of offenders. More importantly, it would provide a smoother and more integrated pathway for victim participation in the administration of justice.

The new sentencing legislation does, however, carry forward significant variation and inadequacy in the definition of *victim*. The definition of who is a victim varies between the sentencing legislation and the *Victims of Crime Act*, and is restrictive especially in acknowledging immediate family and/or significant others.

- *Reparations* provisions enable a sentencing Court to consider imposing an order on a defendant as redress for loss suffered by an injured person. The provisions previously sat at s350 of the *Crimes Act 1900*. The provisions have become s19 of the *Crimes (Sentencing) Act 2005*.

For victims of certain property offences for example, criminal damage and fraud, this provision is perhaps the only realistic means they have of seeking restitution for their loss. Other victims sometimes prefer the direct 'transaction' with the offender in preference to making an application to the Victims of Crime Financial Assistance Scheme. Other victims find that their losses may not be covered by the scheme.

CASE 5: Suzanne (not her real name) had her vehicle damaged on two occasions as part of harassment by her ex-boyfriend causing over \$4000 damage. The car was not insured to cover this damage and Suzanne, with her young children, relied heavily on it. All the paperwork she supplied outlining her loss did not reach the Court. A reparation order for just over \$200 was made by the Court as part of the sentence. No time period was set for payment and, so far as can be ascertained, there is no payment procedure and no enforcement mechanism.

Specific problems about the operation of these provisions include lack of knowledge in the community that the provisions exist, a degree of uncertainty about the actual procedure and paperwork for seeking a reparation order, a degree of ambiguity about the role of the prosecutor in 'representing' the victim's interest in seeking reparation, a perception by sentencers that reparations are not part of their sentencing responsibility and sentencing power, perception that victims may more easily (or more appropriately) take private legal action against the offender to claim their loss, a view that reparation orders result in matters that are not finalised and therefore reflect negatively on court performance, and lack of clarity in compliance and monitoring of payment.

- *Management of Serious Offenders*, usually but not always, persons who commit predatory sex offences was explored by Professor David Biles in a report commissioned by the Government and tabled in the Assembly in October 2005. The VoCC had previously advised the Attorney General on a number of matters where offenders' high risk violent and/or stalking behaviour continued to place victims or the community at large at risk. Further VoCC submissions to Professor Biles put forward argument that methods of constraint and/or registration, whilst important considerations, were nonetheless inadequate to deal with this complex and challenging issue. Sentencing or civil constraint does not in itself provide for comprehensive and transparent risk management to protect public safety (or the safety of particular individuals). Professor Biles touched upon but did not make recommendations about how information disclosure and management could best operate to protect these interests.

Over the reporting period, the VoCC finalised a major investigation into an incident of sexual assault against a child. The results of the investigation were submitted to the Attorney General pursuant to s9(3) of the *Victims of Crime Act 1994*. This matter raised substantial issues about a so-called 'duty to warn' and about criteria for proactive and protective public safety strategies where a credible and targeted risk is known.

What is necessary is a clear and explicit recognition in various legislative instruments of the primacy of individual and public safety, and of frameworks for the management of these types of cases (especially of information sharing and disclosure) that acknowledges the human rights and interests of all parties and of the community at large.

- *Mental health issues* in the criminal jurisdiction continue to be troubling for some victims of crime. In a number of matters, the VoCC has sought leave from the President of the Mental Health Tribunal to be present at proceedings and, in one instance, to give evidence. The courtesy extended by the Tribunal members and staff to the VoCC and clients has been deeply appreciated. The Attorney General's commitment to a review of the *Mental Health (Treatment and Care) Act 1994* will provide an opportunity for a more detailed submission about disturbing aspects of the legislation, and to outline innovations in other jurisdictions that acknowledge the interests of victims of crime.
- *Serious and Major Crimes* and case coordination with regard to victims of crime continues to be an area requiring attention. The Australian Federal Police (AFP) has indicated that it is considering different approaches to victim/witness coordination. A strategic and coordinated approach (that is sustainable) between all key justice agencies is becoming more pressing.
- *Homicide* matters have continued to consume a considerable proportion of time for the VoCC. Over the reporting period the VoCC assisted communication with the family in Shanghai of Hong Jie ZHANG so as to ensure they were fully informed of developments. This communication continues beyond the conclusion of the inquest.

The death of Clea ROSE gave rise to a number of criminal proceedings. The proceedings highlighted significant challenges for victims where the offenders are juvenile. Central to the *Children and Young People Act 1999* are concepts that acknowledge the developmental context for the young person who is alleged to have offended. Whilst this is appropriate, it does not of itself serve as reasonable justification for the denial of information to victims and the significant restrictions imposed on and barriers to their lawful involvement as victims or witnesses. Over the reporting period, the VoCC made detailed submissions on these aspects to the review of the *Children and Young People Act 1999*.

The pressure of work has meant that the draft report into homicide in the ACT that was commenced over the reporting period has yet to be finalised.

The VoCC has remained as Chair of Victim Support Australasia (VSA), the national peak body for crime victim services. VSA works to improve the quality and consistency of responses to crime victims across the jurisdictions. A research proposal from the Department of Criminology at the University of Melbourne with VSA for an Australian Research Council Discovery Grant for a three year national study into the experience of victims of crime with procedural fairness in their interaction with justice agencies was successful. The VoCC applied for and was awarded a grant from the ACT Women's Grants Program for a pilot project to feed into the national research. This grant will allow for the field tests of the survey instrument with a focus on women victims of violent and sexual offences. VSA also made submissions to the Australian Law Reform Commission's references on the *Commonwealth Evidence Act* and Sentencing Federal Offenders.

The VoCC hosted a gala dinner in Canberra for VSA and invited guests to acknowledge the 20th anniversary of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The occasion was also able to celebrate passing of a new Commonwealth Statement of Basic Principles of Justice for Victims of Crimes (October 2005). This charter will have important implications for the universal application of the UN Declaration across the Australian jurisdictions.

Advocacy for Individuals

In 2005/06 there were over 1226 contacts made to the Office from crime victims with approximately 64% of these contacts being from new clients (n=156), and 36% being from existing clients (n=38) bringing the total number of clients to 194 for the year.

Table 1 – Clients & client contacts 2005-2006

	Number	Number of contacts	Female (% of total clients)	Male (% of total clients)	Children (% of total clients)
New clients	156	789	87 (56%)	69 (44%)	16 (10%)
Existing clients	38	437	29 (76%)	9 (24%)	9 (24%)
Total	194	1226	116 (60%)	78 (40%)	25 (13%)

Source: VOCC Office

The number of contacts per client has continued to challenge the Office. This is attributed to:

- clients with issues or problems of more complexity,
- engagement with clients across their journey through the whole criminal justice system from investigation to parole,
- more extensive involvement with clients in new justice processes, and
- those requiring assistance in financial assistance applications.

As stated in previous Annual Reports, the Office has become more involved in major and serious crime matters such as murder, attempt murder, and very serious assaults. In addition, where the primary victim is also a primary carer of children or where a child is the primary victim, these types of matters necessarily gives rise not just to one client but to a number of clients. Usually these interventions required a longer and often involve the coordination of responses from a number of different agencies.

The majority of enquiries to the Office were in relation to 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 majority of calls related to incidents of assault (50%). Forty percent (40%) of clients were male (78) and 60% of clients were female (116). Thirteen percent (n=25) of enquiries were in relation to child victims. One percent of people identified as being from an Indigenous background with 4% identifying as being from an ethnic background.

Table 2 - Offences affecting clients

Offence	New clients	Existing clients	Overall
Assault	90	15	105
Sexual assault	22	13	35
Harassment	6	2	8
Breach order		2	2
Stalking	3	1	4
Homicide	3	2	5
Criminal damage	6	1	7
Attempted murder		1	1
Armed robbery	1		1
Burglary	6		6
Other	23	2	25
Total	160	39	199

Source: VOCC Office

ACT Policing Responses to Victims of Crime

Joint Study into ACT Policing

The Government's study into the ACT's future policing needs as a means of informing the Purchase Agreement was made publicly available in the reporting period.

The VoCC Annual Report for 2004-2005 expressed disappointment that the internal workplace activity project undertaken by ACT Policing in order to assist the joint study with government did not contain any consideration of its victim contact and liaison work. This extraordinary omission is unfortunately reflected in the final *Joint Study into ACT Policing (June 2005)*. Indeed, the absence of specific recognition of victim liaison as core police business has been carried into the 2006-07 Purchase Agreement.

Of course, it may be that victim liaison is an implied aspect of work or operational activity (or PROMIS work) as described in the *Joint Study*. Police response to an allegation of an offence against the person, for example, will necessarily involve attending an incident, and getting the basic 'story' from a victim if not a formal statement. What flows from that initial assessment will vary considerably. The primary responsibility for this liaison falls on General Duties police. Designated victim liaison officers perform a mixed role including quality assurance, case or risk management of high risk matters as appropriate, back-up to officers, liaison with external agencies and internal policy and procedural advice. But they are generally not 'front-line' responders nor case workers.

The absence of specific recognition of work activity that involves, for example, providing case status information to victims, soliciting information relevant to a person's protection and acting upon that information, and providing victim follow-up as required will ensure that this critical aspect of community policing remains uncoded and undervalued. Without any strategic direction or corporate prioritisation of these activities it will be impossible for the ACT community to assess value for money or satisfaction.

The Terms of Reference for the *Joint Study* included consideration of enhancements to the police computer, PROMIS, to enable victim information to be captured on a routine basis. The rationale for including PROMIS in the *Joint Study* was that if police operations did not record victim name and contact details as an integral part of the incident and apprehension modules as a matter of course, then it was impossible for the AFP to develop smarter communication mechanisms (as is used in consumer marketing for example) with which to discharge its responsibilities to provide case status information. Without a computerised system, police/citizen communication is doomed to remain in the dark ages of notebook and pencil, and subject to the fluctuations of individual officer responsiveness. Unfortunately, the *Joint Study* leaves this aspect of police service to the ACT community unanswered and consequently with no clear direction.

To the VoCC knowledge, the item for an annual survey of victims of crime by the AFP that is budgeted in the Purchase Agreement has not been undertaken in this or in previous years.

Communicating with Victims

Over the reporting period, the AFP changed the manner in which it delivers information to crime victims. Previously, victims of certain offences received a Victim Contact Package from a central distribution point within 7-14 days after reporting to police. This was replaced with a new booklet that attending officers are required to provide to victims at the scene. The advantages of the earlier scheme was consistency and reliability. The disadvantage was the amount of person hours involved. The disadvantage of the new scheme is unreliability and inconsistency. The advantage is timeliness (when delivered) and less recurrent resource impost. While anecdotal evidence suggests there has been a high degree of variability in the distribution of the new booklets, there is no external reporting on the contact for validation purposes. The ACT Government/AFP Police Agreement does not contain a specific item of 'purchase' on victim liaison.

To encourage distribution of the booklet and to provide a reminder to officers of their obligations under the *Victims of Crime Act* the police victim liaison officers undertook, over the reporting period, specific outreach activities to the suburban stations.

Victim Privacy & Access to Information

The issue of privacy, and a related one of access to information, is a constant one for victims of crime especially when incidents become subject to media interest. They are in essence two sides of the same coin and involve a number of facets. One is the issue of victim privacy and the security of certain information including identity and personal address. A second issue is about victim access to otherwise private information. And third, there is an issue about the way in which investigation information is reported in the public domain.

Two specific and serious incidents – one a sexual assault and one a physical assault – generated a degree of media interest over the reporting period. Part of that interest was argument that “the public” had “a right to know” certain information relating to the incident and that the public ought to have received a warning about apparent dangers. The relationship between media outlets and police (and other justice agencies) is complex, and balances various and sometimes competing interests. It is reasonable for the ACT community to expect that police will prioritise the investigation of an incident, and equally reasonable for the community, including the victim of the offence, to assume that police will be particularly cautious not to do or say anything that may compromise an investigation, affect evidence or undermine a fair trial.

Underneath the police/media relationship, however, are individuals and families who have been desperately harmed by incidents of violence. People feel deeply violated by these acts and are often highly sensitised to comment that suggests they were in some way to blame for what happened. The experience of violence has extensive ramifications through families, neighbourhoods and social networks, workplaces and educational settings. In addition to the media principle of the community's ‘right to know’, the ACT community further and rightly expects respect for the privacy and dignity of vulnerable individuals.

In the late 1990s the VoCC received a significant number of complaints from individuals who could not access certain lawful procedures such as an application for a restraining order, without the name of an alleged perpetrator. Following liaison with the AFP over these issues in previous years, the number of complaints reduced. Over the reporting period, however, the issue arose an uncomfortable number of times.

Correspondence from the Chief Police Officer on these issues provided information on a determination made by the Privacy Commissioner in 1991 that recognised the legitimate interests of victims “to identify and locate those who have caused them harm and loss”. The Privacy Commissioner further recognised that the AFP's disclosure of certain information to “legitimate inquirers” “assists in the more efficient administration of justice”.

The 2004-2005 VoCC Annual Report noted that an internal AFP working party was considering a new corporate approach to victims of (especially) major operations and serious cases. The new approach remains to be finalised. Over the reporting period, the VoCC made representations to the AFP that the new approach prioritises crimes against the person on the basis of the level of harm caused and the prevalence of these incidents. The crime data discussed in the *Joint Study* showed a huge increase in the rate of serious violence reported to police over 1993-2003. That is,

- 47% increase in reports of homicide
- 35% increase in reports of assaults
- 45% increase in reports of sexual assaults

These increases do not necessarily reflect an actual increase but rather an increase in reporting and perhaps enhancements to recording practices. As such they may be taken as an indication of the community's confidence in reporting such matters especially those traditionally underreported, that is, domestic violence and sexual assault. In essence, however, the data provides compelling argument for a strategic and comprehensive focus on victims of violent offences against the person. These matters can be extremely time consuming in terms of an investigation. They also demand a higher degree of support for victims and their families to enable effective participation in justice processes.

Over the years, the VoCC Office has contributed regularly to different police training programs. It is disturbing that, in addition to the slow pace of reform on the corporate approach to victims, training on victim issues (separate to family violence training) for new recruits and refresher training for laterals and others has significantly decreased. Training is not the sole answer to improved public service. It is however an essential ingredient.

Director of Public Prosecutions Responses to Victims of Crime

Over the reporting period, the Director of Public Prosecutions (DPP), Richard Refshauge SC, instigated a review of his Office. The review expressly sought to enquire into the impact of initiatives that have served to heighten prosecution interaction with victims of crime. The VoCC submission expressed strong support for the leadership the Director and Office have shown in a number of areas. In particular the Family Violence Intervention Program (FVIP) and in reform of justice responses to sexual assault notably the joint study with the AFP (October 2005). The VoCC submission also praised the Director's openness and commitment to research and evaluation. The study of prosecution processes is one of the most under-researched areas in Australian justice administration. The ACT DPP has participated in a number of studies that contribute to an emerging national knowledge-base especially in relation to victims of crime.

The VoCC submission to the review summarised issues that have been raised with the Director over a number of years and in successive Annual Reports. In particular the VoCC submission acknowledged:

- the central role of the prosecution in supporting community confidence in the administration of justice through the interaction with victims, witnesses and their families;
- how heavily dependent the prosecution is upon the victim of an offence;
- there were areas of excellence such as in family violence, but a degree of inconsistency in most other offence areas in terms of victim information and contact; and
- under-resourcing and inadequate role clarity for victim/witness liaison similar to that experienced in other areas of the administration of justice.

The submission went on to urge:

- Re-examination of the legislative role, purpose and function of the DPP to recognise more explicitly the responsibilities towards victims in particular.
- Specific policy and procedural guidance with regard to victims and witnesses be further developed especially in the key areas such as charge negotiation, decisions to proceed to prosecute (or not), and reparation and Victim Impact Statements.
- Performance standards for provision of case status information and reporting on these.
- A case management database specific to the Office needs be developed and to include victim/witness information.
- Greater role clarity between the functions of Witness Assistants and prosecutors, and between Witness Assistants and external victim advocates.
- Consideration of prosecution specialisation on sexual offences.
- Development of an information pack on sentencing.

Over the reporting period, the VoCC expressed concern to the Attorney General that the continuing difficulties faced by child and adult victims of sexual assault within the administration of justice remained acute. Of particular concern are the experiences of very vulnerable victims whose access to justice is affected by perceptions of their credibility as a witness in addition to the usual evidentiary battles around consent. In one particular matter involving an intellectually impaired victim the VoCC and the Public Advocate made a joint representation to the Attorney General.

Courts Administration and Victims of Crime

Over the reporting period, the VoCC was consulted for the Auditor General's audit of Courts Administration. The VoCC went on to make a submission to the Public Accounts Committee Inquiry on the Auditor-General's Report (no.4/2005).

The submission noted that victims of crime have a keen interest in the effective and efficient operation of the courts in the ACT. However, cases to the VoCC and the available research show that victims express concerns at the lack of:

- General information about the process of investigation, protection, prosecution and adjudication so that, as citizens, their views about what may happen were likely to be drawn from TV shows.
- Feedback about the progress of investigation and prosecution of their particular case so that victims felt 'left in the dark' and were often called to attend court with very little notice.
- Their alienation from key decision-making about charging, bail and the decision to prosecute (and on what charges) and feeling that their views did not count.
- The lack of opportunities for input into proceedings including the consideration of sentencing options and in offender management meaning that victims felt they had no real 'say'.
- Regard for victim interests where prosecution and court processes clearly revolve around the interests of defendants making the length and apparent unpredictability of proceedings exhausting and traumatic.
- The dismissive and sometimes disrespectful attitude of criminal justice practitioners and the absence of even common courtesies which made the whole process even more unpleasant – and unnecessarily so.

- The lack of practical, reliable and consistent advocacy for their interests throughout their passage through the criminal justice process (from police to parole) so that people did not feel like an unwanted parcel.
- The lack of access to and availability of support and rehabilitation services, and prevention advice and assistance that understood the criminal process.

The concerns rest on the absence of any real 'standing' and support for victims of crime despite the level of responsibility they carry as witnesses. As noted by the New Zealand Law Commission (2004), *"the degree of confidence people have in the court system will influence their belief in the rule of law"*.

Previous involvement of the VoCC in Court Client Service initiatives identified issues in relation to the adequacy of security, transparency of certain legal processes, adequacy of client service information both specific and general, and court support. The submission went on to recommend:

1. A fully resourced client service initiative (integrated for all Courts) be developed that ensures all jurisdictions especially those involving applications for protection orders and for victims of crime financial assistance have written procedures that are publicly available, and reviews all court documentation such as applications, information leaflets and the like so as to produce them in Plain English.
2. Specific Practice Guide be developed for all Courts (including Children's Court) that outline the court or case information that victims of crime are entitled to.
3. The website for courts specifically develop information for victims of crime.
4. The Office of the Victims of Crime Coordinator be resourced to perform as a centralised information, notification, support and advocacy service for victims engaged in justice processes.

The VoCC submission went on to outline an approach to the administration of justice that recognised its social and community importance and that emphasised both quantitative and qualitative performance measures. The submission supported the concept developed by the Law Commission of Canada in their report, *Transforming Relationships Through Participatory Justice* (Nov 2003). That is that both traditional and new restorative-influenced approaches to justice fall under the overarching term "participatory justice". In essence, the term is applicable to any justice process that depends upon or requires citizen participation or engagement.

The VoCC recommended that participatory justice could be better supported through:

- Reforms in the area of court conferencing.
- Better use of data routinely collected in order to focus reform.
- Centralised victim advocacy.
- An extension of specialised jurisdictions as delivering both efficiency and good outcomes.
- Legislation for court case management practices.
- Improved use of IT.
- Extension of the Magistrates Court jurisdiction on sentencing.
- Legislation to consolidate the family violence jurisdiction, extend it to include all offences against children and to include case management within the Supreme Court.

Family Violence Intervention Program (FVIP)

The FVIP is implemented by a committee representing ACT Policing, the ODP, 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.

As in previous years, the experiences of agencies implementing the FVIP have been influential in other jurisdictions. The NSW pilot Domestic Violence Intervention Courts in Wagga Wagga and in Campbelltown drew upon the knowledge and expertise of FVIP practitioners in a day long workshop that took place in Sydney over the reporting period. The VoCC was able to present findings of seven years of data from the Court specialised jurisdiction to the Australian Institute of Judicial Administration National Conference on Domestic Violence in Adelaide in February 2006.

Over the year, the FVIP agencies finalised their commitments to the inter-agency strategic plan 2005-2008. The Memorandum of Agreement on governance arrangements for the program was updated following changes within ACT Corrective Services. The FVIP Coordinating Committee received reports in relation to a review of family violence case tracking, responsiveness of police to the AFP Practice Guide, implications of the sentencing reforms, development of a children's pathway from time of police intervention, application of *Crimes (Restorative Justice) Act* to family violence, implications of the Auditor General report into courts administration, resource levels within FVIP, the management of income generated by FVIP activities, and responses to Indigenous family violence. In response to emerging concerns about the response of general duties police to family violence, the AFP has commenced work to more precisely identify problem areas and ways forward.

In June 2006 FVIP agencies participated in a Research Roundtable with ANU academics and hosted by the Australian Institute of Criminology (AIC). The Roundtable objectives were to:

- Receive, review & discuss the performance outcomes of the FVIP from 1998-2005 (comprising the data supplied by agencies).
- Consider the extent to which these outcomes answer essential questions about the effectiveness of criminal justice interventions.
- Receive and discuss the findings of the AFP FV Database for 2001-2004.
- Discuss and propose an essential and non-essential dataset for agencies for future years (that is sustainable).
- Discuss and propose evaluation questions for the FVIP for future years.
- Scope parameters of a possible bid by the ANU (working with agencies) for research funds from the Australian Research Council.

Arising from the Roundtable was a decision by agencies to work with the ANU and AIC to develop a proposal to the Australian Research Council for research funding. The proposal recognises that the ACT is unique in Australia in its capacity to generate data specific to family violence offences.

ACT Corrective Services finalised its review of the Learning to Relate Without Violence and Abuse Program (LTRWVA). The program is utilised as a sentence option by Magistrates. The outcome of the review was that Corrective Services decided to implement a new approach to group programs and to operate the family violence group internally. The program, Cognitive Self-Change, derives from work developed with offenders in Vermont, USA. The partner contact arrangement with the Domestic Violence Crisis Service (DVCS) was also re-negotiated over the reporting period. The work of Relationships Australia (Canberra and Region) in delivering the offender program since 2000 was recognised.

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 appointment of the DV Project Coordinator expired in May 2006. In contrast to other statutory officer holders, a merit selection process was not instituted for this position. The person appointed to the VoCC position was also appointed for 12 months to be DV Project Coordinator to May 2007.

The DV Coordinator worked closely with the Council to implement activities for White Ribbon Day in November 2005. 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.

Restorative Justice Initiatives

The VoCC is a member of the Restorative Justice Reference Group that assists the implementation of the *Crimes (Restorative Justice) Act 2004*. In recognition of the extension of restorative justice to the offences of family and sexual violence, the Manager of the Restorative Justice Unit was invited to become a member of the FVIP Coordinating Committee.

The pilot period for the Ngambra Circle Sentencing Court (NCSC) concluded over the reporting period and became permanently established. In a submission to the review the VoCC noted that (Indigenous and non-Indigenous) victims of these matters received a far greater level of support and information than did victims in usual criminal matters. The report noted that, without additional resources, it would be difficult to continue this level of enhanced support. Despite this, no new resources were provided for continuing victim contact and victim support work as part of the NCSC.

The Interim Practice Direction (April 2004) for the NCSC was revised and reaffirmed as the permanent Practice Direction. The Direction continues to provide that victims are referred to the VoCC so that their informed consent to participate may be obtained. The ODPP, NCSC Coordinator and VoCC met to develop more detailed referral procedures. Over the reporting period, the number of matters referred to the NCSC and consequently to the VoCC declined substantially.

Improving Services for Victims of Crime

Under the *Victims of Crime Act* the VoCC has an obligation to promote efficient delivery of services to victims of crime. The VoCC is also an ex-officio member of the Victim Assistance Board. As a member the VoCC has supported the Departmental review of the Victims Services Scheme. Separately the VoCC – with other stakeholders – was consulted on both the first and second stages to the Review.

The Review considered, amongst other interests, an expansion of the role of the VoCC. As part of the consultation process, the VoCC provided information on the background to the role, its functions and purpose, and some discussion on the perceived benefits and disbenefits of an expanded role (and with what resource level).

Whatever are the conclusions of the Review, it is the strong view of the VoCC that changes to the role and function of an independent statutory officer should not take place without a public law reform process. The origins and role of the VoCC have different antecedents to that of a rehabilitative service such as the Victims Services Scheme.

The continuing uncertainty about the various contractual obligations under the VSS gives rise to concern about the impact on service delivery. In particular, it is now apparent that waiting times for clients to see counsellors has extended considerably. As a member of the Board, the VoCC has again raised concern about case coordination in serious and major crimes.

The VoCC continues to conduct professional education for the ANU Law School by providing a module for the ANU Legal Workshop on the Rights and Responsibilities of Victims of Crime.

Victims of Crime Financial Assistance Scheme

The operation of the Victims of Crime Financial Assistance Scheme continues to generate a steady number of requests to the Office from victims of crime for assistance. A new provider for the minor legal assistance scheme initiated by the ACT Legal Aid Office came into place. It has taken some time for adjustments to work into place.

The operation of the scheme does require a different type of approach to legal work than would ordinarily be the case. Individuals (or their carers) need a lot of explanation and discussion in order to appreciate the opportunities and limitations of the scheme. As part of these discussions, there are benefits to a collaborative approach whereby victim support workers assist the individual to identify the range of impacts of the offence(s) and the consequent financial and material consequences, and the lawyer ensures that these fall within the legislative requirements. Particularly vulnerable clients (including interstate clients) often require a much higher degree of support through the process than the free 2-3 hours.

There was no Government response to the report (No. 8) of the Standing Committee on Legal Affairs on the Victims of Crime (Financial Assistance) Amendment Bill 2003 (issued in June 2004) over the reporting period.

PART B: AGENCY PERFORMANCE

The pressure of combining statutory and individual advocacy on a two person office in an emotionally and intellectually demanding area is unrelenting.

The extent of policy and law reform, project and research work undertaken by the VoCC Office continues to absorb approximately 50% of time and resources. The number of existing and new clients approaching the Office for assistance or continued assistance in 2005-06 declined on the previous year.

Performance of Statutory Functions

Pursuant to section 9 of the *Victims of Crime Act 1994*, the VoCC initiated four preliminary investigation enquiries of an agency engaged in the administration of justice over the reporting period. Preliminary enquiries respond to an initial complaint from a victim of crime and seek clarifying and further information from the relevant agency. A preliminary enquiry does not necessarily result in a full investigation and report to the Attorney General as per s9(3) of the Act.

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

Section 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 a police training module and at the ANU Legal Workshop.

The capacity of the VoCC to further disseminate information in community or professional education (s7(d)) is severely limited. 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.

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.

The ACT Human Rights Act 2004

The VoCC took steps, over the reporting period, to contribute to building a human rights culture in the ACT.

In November 2005, the VoCC and the ACT Human Rights & Discrimination Commissioner jointly organised a national forum, *Peaceful Coexistence: Victims Rights in a Human Rights Framework*. The Forum brought together experts from a range of fields. Roger Smith, Director of JUSTICE, the UK's leading law reform organisation, provided the keynote speech on "Human rights, victims rights and their impact on the criminal justice system in the UK".

A session on exploring the antecedents, currency and constraints of the right to a fair trial was particularly well received. Professor John Phillips AC, Provost of the Sir Zelman Cowen Centre at the University of Victoria and previously Chief Justice of Victoria outlined the key arguments behind the right to a fair trial. Professor Simon Bronitt of ANU argued that there were some conceptual flaws underpinning what was, in reality, a relatively recent 'right'. Richard Refshauge SC, ACT DPP, described the challenges to prosecution authorities in a context of contemporary expectations and suggested that prosecution could expand thinking and practice in this area.

Preceding the Forum, the VoCC had convened an Expert Working Group to consider some of the implications of the *Human Rights Act 2004* (HRA) in relation to victim of crime interests.

The deliberations of the Forum and the Expert Group contributed to a submission from the VoCC to the *Review of the Human Rights Act* conducted by the Department of Justice & Community Safety. The submission outlined case law from the European Court of Human Rights that revealed an emerging jurisprudence that was highly relevant to victims of crime. These cases involved developments in the interpretation of the right to life and the right to privacy, and of the consequent responsibilities of governments. The submission went on to discuss implications of the ACT HRA's interpretation in relation to the protection of children and the family, and aspects of the right to a fair trial.

Access to Government Strategy

The VoCC Office is maintained within the Magistrates Court. The response of the Court to the Access to Government Strategy encompassed access to all parts of the building. This is reported on in the Annual Report of the Courts Administration.

Community Engagement

No specific community consultations were implemented by the VoCC over the reporting period. In September 2005, the VoCC participated in a seminar convened by the Chief Minister's Department on Indigenous Family Violence.

Arising from this, the VoCC received project funds from the Department to initiate a research project to produce a statistical report on Indigenous victims of crime in the ACT criminal justice system. A contract was entered into with the Australian Institute of Criminology to conduct the work.

The VoCC commitments under Objective Four of the ACT Women's Plan being, *protection & justice, options for women, and prevention of violence*, were reported on to the ACT Office for Women over the reporting period.

PART C: MANAGEMENT OF THE OFFICE

Staffing

The VoCC Office comprises two personnel. One person is appointed by the Attorney General under a disallowable instrument to perform the statutory duties of the Victims of Crime Coordinator and, separately, the statutory duties of the Domestic Violence Project Coordinator. This position is at a SOG B grade. The second officer is appointed as Victim Assistance and Project Officer. This position is at an ASO6 grade.

As reported in the previous Annual Report, neither officer was able to undertake training and development over 2005-2006 due to the absence of funds. The VoCC is enrolled in a doctoral program at the ANU. Study leave of 5 hours per week has been granted.

Conference attendance over the reporting period included: attendance at the Australian Institute of Judicial Administration (AIJA) National Conference on Domestic Violence, and the National Judicial College of Australia (NJCA) and ANU College of Law Conference on Sentencing.

Concerns regarding occupational health and safety including security of staff within the Office have been raised a number of times with the Magistrates Court and with DJACS. Some of these concerns remain outstanding.

Records Management

Over 2005-2006, action to ensure compliance with the record-keeping requirements of the *Territory Records Act 2002* (the Act) was not advanced due to lack of resources and other work priorities. In recognition of these difficulties, the Department of Justice & Community Safety agreed to assist through support of a project officer.

Financial Management

Over 2005-2006, the VoCC was allocated a budget of \$224,000 of which \$198,000 was for employee expenses and \$26,000 for non-employee expenses. The budget is managed as a cost centre within the Magistrates Court. Income of \$11,000 attendance fees were generated at the November conference to cover expenditure of \$10,000 for the event. Funds accumulated by the FVIP in the order of \$19,000 are held in trust under the VoCC cost code.

Government contracting

The VoCC received \$45,000 from the Chief Minister's Department for research and development into Indigenous Victims of Crime. The DJACS Chief Executive Officer approved a sole select tender with the Australian Institute of Criminology to conduct the research component. The AIC was contracted to do the research for the sum of \$35,000.

The VoCC successfully applied for a grant of \$15,400 from the 2005-06 ACT Women's Grants Program to pilot research into the experience of women victims of family and sexual violence of procedural fairness in the criminal justice system. The pilot project links with the national research funded by the Australian Research Council and conducted by the University of Melbourne.

ACT VICTIMS SERVICES SCHEME
2005-2006

02

ACT Victims Services Scheme 2005-2006

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

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

Key Achievements 2005-2006

- The past year has been one of consolidation for the Victims Services Scheme with referral rates plateauing to a steady increase of 1.75%.
- VSS commenced a waiting list for all new referrals in late May 2006 with intake appointments being offered 4 weeks ahead. With the introduction of the waiting list and the closure of long-term 'active' client files [where no recent contact has occurred] it is anticipated that VSS staff will be able to increasingly provide direct clinical services themselves in addition to case brokerage with external providers.
- The Victims Services Scheme contributed to the review of its operations conducted by the Department of Justice and Community Safety through staff participation in focus groups.
- The research project on '*The Health and well-being of victims of crime before and after accessing services through the Victims Services Scheme*' that commenced in October 2003 was completed during the year and a preliminary meeting held with the researcher [a DPsych student from ANU] to discuss initial findings. It is planned to invite those clients who participated and members of the Victims Assistance Board to a presentation of the results following the return of the researcher from maternity leave. This project contributed to the requirement under the original 3 year contract for ACT Health [as the responsible service agency] to evaluate which treatment and rehabilitation methods or modalities are most effective for victims in particular situations and circumstances in accordance with Regulation 22 (g) of the *Victims of Crime Regulations 2000*.

Client Profile 2005-2006

- 4% of clients identify as having an indigenous background
- 30% of clients are male
- 15% of clients are under 10 years of age
- 19% are aged between 10 and 17
- 14% are in the 18-25 years age group
- 10% of clients have a country of origin other than Australia
- 52% of clients referred themselves, or were referred by a relative
- 81% of clients presented with psychological and emotional injuries
- 16% of clients suffered a sexual offence
- At 73%, assault related offences remain the most common type of crime

Reporting Period

Information in this document relates to the 2005-2006 Financial Year. ACT Health, Community Health remains the responsible service provider for the Victims Services Scheme. The contract between ACT Health and the Department of Justice and Community Safety to provide the Victims Services Scheme ended on 31 December 2003. ACT Health has operated the service under 6 monthly extensions of a Memorandum of Understanding pending the outcomes of the evaluation and a decision regarding the model for the future provision of a Victims Services Scheme.

Client Profile Data

The Victims Services Scheme continues to liaise with a number of community-based agencies in working with victims of crime and their families.

How clients found out about the VSS

While a number of clients are counted as self-referrals, a recommendation to contact the Victims Services Scheme may have come from a third party and this information is reported as 'how the client learnt about the service.' See Table 1 below for a report on how clients found out about the Victims Services Scheme:

How client found out about VSS	%
Aboriginal Services - Non Government	1
Child, youth & women's health program	2
Children & Youth Services - Govt	2
Children & Youth Services - Non-Govt	1
Community / Welfare agencies - Govt	2
Community / Welfare agencies - Non-Govt	3
Courts	1
Department of justice & community safety	1
Doctor	1
Domestic violence crisis services	4
Family services	1
Hospitals -Public	1
Legal agencies - Govt	1
Legal agencies - Non govt	1
Mental Health Program	1
Other	2
Other Govt Department	1
Police	14

Provider - Approved	25
Provider - Private	2
Rape Crisis Centre	1
Refuge	2
Relative / Friend / Neighbour	17
Solicitors	2
Unknown*	5
Victims of crime coordinator	1
Vocal-ACT	5

* NB Unknown reflects clients on waiting list as at 10/7/2006

Table 1: How clients found out about VSS

The diversity of referral sources in addition those listed in the table above includes: Alcohol & Drug Program; Centrelink; Companion House; Continuing Care regional teams; Employer; Link; Media - Paper/Radio/TV; Not specified; Pamphlet/Poster; Politician; Rehabilitation Program; Victims assistance program- Interstate

Who referred clients

As the philosophy of the Victims Services Scheme is focussed on client empowerment, clients are encouraged to initiate contact with the VSS. Referrals which may have been prompted by a source, but it is the client that makes initial contact are recorded as self-referrals. This is also the case of children and young people where contact is made by a relative. A significant drop compared to previous years was observed in self-referrals in 2005/06, with these making up 52% of all new referrals.

Automated referrals from SupportLink Systems Inc commenced during the year and these account for the 8% of referrals from police, double that of last year. Approved providers are a significant referral source, referring 13% of new clients – VSS do not automatically refer back to those providers making a referral but consult with clients and refer according to clinical need. VOCAL (ACT) Inc continues to have a steady referral rate of 4%. For more detail please see Table 2 below:

Referral Source	%
Children & Youth Services - Government	1
Community / Welfare agencies - Govt	1
Community / Welfare agencies - Non-govt	2
Domestic violence crisis services	3
Legal agencies - Govt	1
Police	8
Provider - Approved	13
Provider - Private ACT	1

Refuge	1
Relative / Friend / Neighbour	21
Self	30
Solicitor	2
Unknown*	5
Vocal-ACT	4

* NB Unknown reflects clients on waiting list as at 10/7/2006

Table 2: Referral Source

Referrals came from the following sources but insufficient to register as a percentage - Aboriginal Services - Non Government; Alcohol & Drug Program; Centrelink; Child, youth & women's health program; Courts; Department of justice & community safety; Doctor; DPP/DPP Witness assistant; Employer; Hospitals –Public; Legal agencies - Non govt; Link; Mental Health Program; Other Govt department; Politician; Provider - Private Interstate; Social worker – Community; Victims assistance program- Interstate; Victims of crime coordinator.

Age distribution of clients

Age Group	%
< 10	15
10 to 17	19
18 to 25	14
26 to 30	8
31 to 35	9
36 to 40	8
41 to 45	8
46 to 50	8
51 to 55	3
56 to 60	4
60 >	4

Table 3: Age distribution of clients

Gender

70% of VSS clients are female and 30% male

Country of Origin of clients

Of those who disclosed the information, 10% of clients were born in places other than Australia.

Clients' Experience of Crime

Types of crimes as reported by clients

The crime listings in Table 4 are based on the description by clients to VSS intake officer/case managers of their perception of the crime. VSS staff are not legally trained nor do they focus in minute detail on defining the crime, rather they work on the impact it has had on an individual or their family/significant others and strategies to help them recover from the event.

Type of Crime	%
Actual bodily harm	2
Assault	68
Demands with threat	1
Endangering Health	1
Grievous bodily harm	1
Incest	1
Robbery offences	2
Sexual assault	14
Sexual intercourse with a young person	1
Stalking	2
Threat to kill	2
Unknown*	5

* NB Unknown reflects clients on waiting list as at 10/7/2006

Table 4: Type of Crime

Other crimes identified by clients were - Abduction of young person; Any offence under another law; Attempted murder; Endangering Life; Indecency offences; Murder; Property; Sexual intercourse without consent; Wounding

Clients present with a range of injuries

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

Psychological-Emotional	- 81%
Physical	- 11%
Unknown*	- 8%

* Unknown reflects clients on waiting list for whom intake data has not been completed

Services

Levels of Service:

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

Level 1 – all eligible victims¹⁵ are entitled to receive up to 2 contact hours of service

Level 2 – an eligible victim can receive up to 6 contact hours, in addition to Level 1, where the victim is a primary victim,¹⁶ a related victim,¹⁷ or a witness to a violent crime where they are likely to have suffered harm.

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

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

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

¹⁵ Eligible Victim – a victim of crime, other than one who suffers harm caused by, or arising out of the use of, a motor vehicle; or one who suffers harm (directly or indirectly) as a result of committing an offence. The crime must have been committed in ACT. The determination of eligibility is a function of the Victims Services Scheme. Victims of crime who have been injured in other states and territories are referred to their local assistance schemes.

¹⁶ Primary Victim – a person who is injured as a direct result of a violent crime committed against him or her; or assisting a police officer in the course of their duty.

¹⁷ Related Victim - in relation to a deceased primary victim is a person who, at the time of the primary victim's death was a close family member, dependant of the primary victim, or had an intimate personal relationship with the primary victim.

Levels of service as at 30/06/2006 by gender:

Level	Male	Female	Total
Exceptional circumstances	2	4	6
Level 1 Continued	30	57	87
Level 1 New	0	1	1
Level 2 Continued	80	233	313
Level 2 New	3	6	9
Level 3 Continued	51	166	217
Level 3 New	9	19	28
Unknown	12	23	35
Total	187	509	696

Table 5: Levels of Service status of all active clients

Please note that this data is a 'snapshot' of services/clients identified at each level as at 30/06/06 – the low number of new Level 1 reflects the former practice of entering all clients eligible for Level 2 service on the database prior to their actually commencing Level 2 service. Unknown reflects those clients on the waiting list

Total Number of Clients

In the reporting period, the total number of new eligible victims who have registered with the Victims Services Scheme was 688, an increase of 1.75% over the number registered in the previous year. During 2005-06 VSS had contact with 1493 registered clients.

As at 30/6/06, the

Total number of active clients ¹⁸ was	696
Total number of inactive clients ¹⁹ was	2373
Total number of clients discharged ²⁰ was	797

¹⁸ Active Client – a client who has received a service from the Victims Services Scheme during the specified time period.

¹⁹ Inactive Client – refers to all clients who have registered with the Victims Services Scheme, but have not necessarily received a service during the specified time period. These clients may have received their service hours, or have chosen not to continue receiving services.

²⁰ Discharged from Victims Services Scheme during the reporting period – the victims has reached the goals specified in the care plan following provision of service, or has chosen to discontinue service at this time. A client who was discharged before this would be classified as an inactive client.

Hours of service provided, numbers of approved service providers

Clients using the Victims Services Scheme, in consultation with the intake officer/case managers, choose the type of services they require based on individual needs. Services may be provided either by in-house staff or from Approved Service Providers. The Victims Assistance Board is responsible for the approval of external service providers. There are currently 57 approved service providers covering a variety of disciplines and locations throughout Canberra.

VSS clients completed 5,779.75 contact hours with external providers, with 5641 actual contacts/visits. The Service's clients consulted 92 external providers – this includes 'authorised exception' providers interstate.

Evaluation

The research project on '*The Health and well-being of victims of crime*' before and after accessing services through the Victims Services Scheme' was completed in the reporting period with the researcher meeting with VSS staff to present initial findings. It is planned to invite participants and members of the Victims Assistance Board to a presentation on the project when she returns from maternity leave.

Staffing

Staffing current at 30/06/2006 was 6.8FTE comprising one manager with 50% clinical load, 4 full-time intake officer/case managers, 1 part-time intake officer/case manager and 1 full-time administrative officer. The intake officer/case managers all have tertiary health professional qualifications in counselling, psychology or social work and undertake direct clinical work with some VSS clients in addition to case management duties. There has been some movement of staff during the year but all vacancies have been filled with permanent and/or temporary staff.

Training Attended by Staff

Two of the VSS staff furthered their professional qualifications during the year with one counsellor successfully completing the Master of Arts in Counselling program at the University of Canberra and the intern psychologist successfully achieving full registration with the ACT Psychology Registration Board.

Staff have participated in training offered within ACT Health that is required of all staff namely 1 day Child Protection Training Level 3; half day training in Manual Handling; Budget Management workshop [VSS Manager] and Performance Management Training. In addition some have attended courses provided by the Office of the Community and Health Services Complaints Commissioner on *Community and Health Services Rights and Responsibilities* and *Health Records Privacy and Access*. Staff have also attended workshops with clinical relevance on Suicide Negotiation auspiced by Lifeline Canberra, and on Loss, Grief and Bereavement presented by the National Palliative Care Program. In-service with staff member from the Department of Justice and Community Safety was held to assist VSS staff in defining crime classifications that victims present with to determine eligibility criteria for clients of the Service.

Conferences attended during the year have been the 2 day Australasian Society for Traumatic Stress Studies conference held in Perth Western Australia with the theme 'The Impact of Childhood Trauma Across the Lifespan'; the National forum 'Peaceful Coexistence: victims' rights in a human rights framework' co-hosted by the ACT Victims of Crime Coordinator and the ACT Human Rights Office; '*Safe Transitions' Managing Conflict and Responding to Violence in Post-Separation Families*'— a national symposium jointly hosted by Relationships Australia and Uniting Care Unifam and supported by the Commonwealth Attorney-General's Department, the Commonwealth Department of Family and Community Services and the Family Court of Australia.

Victim Support Network

The Victims Services Scheme ceased its facilitation of the Victim Support Network in 2005 due to budgetary constraints. As this was a part of the agreement held between the Department of Justice and Community Services and ACT Health, this was advised prior to the extension of agreement in January 2006.

Volunteer Services

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

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

Referrals from ACT Health VSS to VOCAL

All VSS clients are advised at intake of the services and support available through the VSS partner VOCAL (ACT) Inc. Over 2005-06, of all clients identified at intake, 1% were directly referred by ACT Health to VOCAL; a further 5% indicated they would make contact themselves and 7% of all new registrations stated they were already known to VOCAL. 77% of newly registered clients declined referral to VOCAL.

VOCAL Report to ACT Health on 2005-06 activities

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

- Court support
- Emotional support
- Practical assistance
- Advocacy
- Outreach/home visiting
- 24 hour telephone support service (separate from Agreement with ACT Health)
- On-going services to victims

Over the period July 2005 to June 2006 inclusive, VOCAL has seen 312 clients, and there were 994 instances where services were provided; of which 189 were occasions of advocacy, 78 occasions of assistance in preparation of Financial Assistance and Victim Impact Statements, and 727 occasions of providing support (emotional, practical and Court support).

A summary of VSS services provided by VOCAL in 2005-06 is given below:

Type of Service	Number of activities	Number of face to face contacts	Number of telephone contacts
Advocacy (letters, phone calls etc.)	189	39	211
Assistance in preparation of reports (including for Financial Assistance, Victim Impact Statements etc.)	78	75	225
Support of clients (including emotional, practical and court support etc.)	727	312	1574
Total	994	426	2010

SOURCE: VOCAL ACT

The original increase in referrals to VOCAL from SupportLink, which previously had been referring victims directly from their first contact with the AFP or their office, has reduced during 2005-06 because SupportLink referrals are now being sent directly to the ACT Health component of the VSS which has subsequently formed an agreement with SupportLink for referrals.

Services provided to clients in-house by VOCAL in 2005-06 were as follows:

	New Male Clients	New Female Clients	Emotional Support	Practical Assistance	Financial Assistance
Jul-05	14	15	27	5	10
Aug-05	19	15	21	6	4
Sep-05	16	19	17	18	15
Oct-05	6	16	21	14	6
Nov-05	4	18	22	15	5
Dec-05	6	9	6	13	4
Jan-06	9	17	8	7	5
Feb-06	3	12	16	14	2
Mar-06	5	10	14	11	4
Apr-06	2	5	17	15	6
May-06	7	13	11	17	3
Jun-06	4	7	15	19	1
Total	95	156	195	154	65

SOURCE: VOCAL ACT

Volunteer activities as reported by VOCAL for 2005-06 are summarised below:

No. of volunteers registered (average/month)	No. of volunteers providing services to clients (average/month)	Total no. of new volunteers	Total no. of volunteer training sessions	Total volunteer hours
46.41	9.1	36	62.16	9539.25

SOURCE: VOCAL ACT

The level of funding for VOCAL in 2005-06 was still well below that required to meet the demands on VOCAL's services.

With the commencement of the waiting list for the ACT Health component of VSS, VOCAL will endeavour to work in co-operation with ACT Health to ensure that victims can receive face-to-face contact with a professional within 24 to 48 hours of first contact with VOCAL staff.

VOCAL continues to provide its 24-hour telephone support service (separate from the requirements of its service agreement with ACT Health) and ongoing support to victims of crime, so that when victims who have used up their VSS allocation of hours of assistance, and subsequently experienced flashbacks and other post-traumatic stress systems well after the original trauma, they can still have access to assistance.

It is VOCAL's experience (over 18 years of operation), that during the immediate period of trauma, victims are often not in a frame of mind to immediately seek or accept support services offered to them. However, for many victims, after a period of time victims report that once the impact of trauma subsides sufficiently for them to realise that some support would have reduced their anguish, they then approach VOCAL for help and lament their inability to seek or accept support offered to them. Therefore, VOCAL welcomes the new move to review how referrals to VOCAL are recorded, and in particular VOCAL is interested in the review of the process of referral to VOCAL which takes into account victims' vulnerabilities during their immediate period of trauma. Victims' concerns with privacy and confidentiality during the referral process between the two partner agencies need to be addressed in such a way that victims' fears and concerns can be allayed.

This year VOCAL will celebrate its 18th anniversary. VOCAL is looking forward to the end of the Review of the Victims Services Scheme due in December 2006, and sincerely hopes that this means an improvement in the quality and timeliness of responses to the needs of victims of crime.

VOCAL has endeavoured to contribute its 18 years of experience, in supporting victims of crime in the ACT and region, to the planning for a new direction in 2007 for services funded by the ACT Government. It is our hope that a new Service Level Agreement will maximise VOCAL's contribution and enhance co-ordination and co-operation between all existing services accessible to victims of crime in the ACT.

ACT POLICING VICTIM LIAISON PROGRAM

03

ACT Policing – Victim Liaison Officers

ACT Policing employs three Victim Liaison Officers (VLOs). Two are located at City Police Station within the Crime Prevention portfolio. The third is a specialist VLO within the Sexual Assault and Child Abuse Team (SACAT) at the Winchester Police Centre.

General Victim Liaison Officers

As at 30 June 2006, the general VLO positions were staffed by one fulltime sworn member, one part time sworn member and one part time unsworn member. The role of the VLOs is to support ACT Police members in meeting their obligations to victims of crime as per the *Victims of Crime Act 1994*. The VLOs provide supplementary support and information to victims of crime and work together with other agencies and organisations such as the Director of Public Prosecutions (DPP), Child Protection Services (CPS) and the Domestic Violence Crisis Service (DVCS) to ensure victim support.

The VLOs provide information to victims where the crime has been reported to police and also provide advice to members of the public who require advice regarding criminal matters. The VLOs provide information about the Victims Services Scheme (VSS), Personal Protection Orders, Domestic Violence Orders, Domestic Violence Crisis Service (DVCS), Victims of Crime Assistance League (VOCAL), family violence brochures, financial assistance, criminal proceedings information and other general crime prevention services such as the Community Liaison Advisory Safety Project (CLASP).

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

The VLOs statistics for 2005-2006 include:

- 538 victim contacts
- 389 interactions/liaison with external agencies
- 14 training sessions
- 20 VLO meetings (not including case tracking)

Victims often contact the VLOs wanting information regarding the progress of the investigation. If the VLOs are unable to provide that information, they task the Police members involved for a response. They also fulfil a quality assurance role where they ensure that patrol members adhere to current Memorandums of Understanding (MOU's) and protocols. Furthermore, the VLOs work closely with general duties police and offer support and/or information on relevant legislation and policy, the responsibilities of police and the support that is available to victims of crime.

The VLOs provide training to all Police Recruits, laterals (sworn police members who have transferred from other jurisdictions), members of ACT Policing and local external agencies such as VOCAL and DVCS. This training includes information about the role of the VLO, police obligations to victims, information about Victim Impact Statements, financial assistance and any other general assistance that can be provided as well as refresher education.

In 2005 ACT Policing Crime Prevention reviewed the role of the VLO and the way in which victim contact was established/handled. This review resulted in the development of a new victim information booklet. The new booklet is now provided to victims of crime by attending members at the time of the incident. The booklet '*Are you a Victim of Crime?*' , includes details of available victim support services, treatment of victims of crime, Protection orders, Victim Impact Statements, Financial assistance, family violence as well as general crime prevention advice on burglaries and motor vehicle theft.

The booklet was designed to be used in lieu of the pamphlets and the business card and its purpose is to provide victims with a more immediate point of reference, ensuring victims are able to access support services and an understanding of processes at the earliest possible instance. The booklets' provide general information on Crime Prevention and the criminal justice process and includes contact numbers of support agencies for further reference if required. The booklet also includes the investigating officer's details and records the incident reference number.

Sexual Assault Victim Liaison Officer

The Sexual Assault and Child Abuse Team (SACAT) has one full time Victim Liaison Officer (VLO).

The SACAT VLO is responsible for providing ongoing support and advice to victims throughout the police investigation.

The SACAT VLO maintains regular liaison with the victim on at least a monthly basis and provides them with any updates. Liaison with the victim continues until the matter is finalised. The SACAT VLO ensures that victims receive appropriate support from other agencies as well as providing support throughout the judicial process.

Other assistance such as completing a Victim Impact Statement, Financial Assistance Applications, applications for Orders and any other general assistance that may be required is also provided to victims of crime.

The SACAT VLO is also responsible for maintaining effective liaison with government and non government agencies on matters relating to sexual assault and child abuse.

The SACAT VLO maintains close liaison with key stakeholders including DPP, Victims Services Scheme (VSS) and the Victims of Crime Coordinator (VOCC).

The SACAT VLO statistics for 2005-2006 include:

- 1076 victim contacts
- 441 interactions/liaison with external agencies

VICTIMS OF CRIME (FINANCIAL
ASSISTANCE) Act 1983

04



AUSTRALIAN CAPITAL TERRITORY

LAW COURTS & TRIBUNALS

REGISTRARS OFFICE

30 August 2006

Mr Simon Corbell, MLA
ACT Attorney-General
ACT Legislative Assembly Building
Civic Square
London Circuit
CANBERRA ACT 2601

Dear Attorney

I am pleased to present the *Victims of Crime (Financial Assistance) Act 1983*, Annual Report for the period 1 July 2005 to 30 June 2006.

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

I hereby certify that the attached report is an honest and accurate account of the operations of the scheme for the period 1 July 2005 to 30 June 2006. This report also complies with the spirit of the Chief Minister's Annual Report Directions.

Yours sincerely

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

Phil Thompson
Registrar

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Introduction

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

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

The Victims of Crime (Financial Assistance) Annual Report (annual report) for 2005-2006 fulfils the legislative requirements of the Act.

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

Reform of Criminal Injuries Compensation Scheme

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

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

Legal Challenges to Validity of the Act

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

The effect of the judgment is that the retrospective application of the amending legislation is deemed unlawful. This revives the right of those applicants affected (approximately 300 in number) to claim pain and suffering with respect to injuries sustained. Some of these proceedings fall within the jurisdiction of the ACT Supreme Court.

9 of these cases were dealt with in the Supreme Court during the financial year 2005-2006 and brief case summaries of the facts and circumstances of each individual award, and who made the award, are included at the back of this report. The total amount awarded in relation to these cases was \$233,781.8.

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

Explanation as to the operation of the Act for the financial year 2005-2006

The Scheme

This annual report deals with the scheme operating in the Australian Capital Territory (the Territory) for the provision by the Territory of financial assistance for victims of crime for the financial year 1 July 2005 to 30 June 2006.

The Establishment of the Scheme

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

Eligibility for Financial Assistance

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

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

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

Method of Applying for Financial Assistance

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

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

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

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

Determination of Applications

The *Magistrates Court (Civil Jurisdiction) Rules 2004* applies in relation to proceedings on an application for financial assistance (subsection 28(1) of the Act). All applications are determined on the balance of probability (section 29 of the Act) and the applicant bears the onus of proof. The fact that the civil onus of proof applies to the determination of applications may in some instances result in an award being made where the perpetrator of the applicant's injuries has been acquitted of criminal charges related to the conduct when tried under the criminal onus of proof. In **Re the Matter of Robert Gilliland** (ACT Supreme Court of the Australian Capital Territory, unreported, 14 March 1986), the ACT Supreme Court ruled that the acquittal of the person alleged to have caused the injuries suffered by an applicant for compensation does not operate to bar the applicant's claim.

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

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

If the Territory is a party to the application, by a primary victim or a person responsible for the maintenance of a primary victim, it may require the primary victim to undergo an examination by a health professional chosen by the victim from a list of health professionals approved by the Minister. The cost of examinations is to be borne by the Territory, and if the primary victim refuses to submit to the requirement, the Court shall not award any financial assistance pursuant to the application (section 30 of the Act).

The procedure for the determination of applications requires that each matter be listed before a Deputy Registrar for a conference, prior to a hearing. In most cases, the applications are settled at conference. If the matter proceeds to hearing, the applicant may rely on oral and affidavit evidence and on documents tendered with the consent of the Territory's legal representative, or otherwise ruled to be admissible. The applicant, or his or her legal representative is given an opportunity to make submissions, followed by the legal representative for the Territory. The applicant, or his or her legal representative, is also given an opportunity to reply to the Territory's submissions.

The Government Solicitor's Office plays an active role in consultations with the applicants (and their legal representatives when they have retained a solicitor) at the conference and/or prior to the date fixed for hearing of applications. In effect, the process has allowed for limiting of the issues of the application, thus resulting in time and cost savings to the Court, the applicant and the Government Solicitor's Office. Many of the cases are settled, with the Territory making an offer to the applicant and the Court approving the settlement of the matter. An applicant, or the Territory, may appeal to the ACT Supreme Court within 30 days of a decision being made by the ACT Magistrates Court either awarding or refusing to award compensation. The *Magistrates Court (Civil Jurisdiction) Rules 2004* applies in relation to an appeal of a decision made by the ACT Magistrates Court.

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

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

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

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

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

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

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

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

Basis of Financial Assistance

The maximum amount of financial assistance that may be awarded in respect of an injury sustained by a primary victim, related victim, responsible person or eligible property owner is an amount that in the aggregate does not exceed \$50,000 (sections 10, 19 and 23 of the Act). This limit applies in respect of all prescribed injuries that a person sustains approximately at the same time; as a result of criminal conduct of each of two or more persons acting together; or otherwise arising out of the same circumstances, as though those injuries were one prescribed injury.

Additionally, applicants may be entitled to special assistance if they are a primary victim who has sustained a criminal injury that is extremely serious and they have obtained assistance from the Victims Services Scheme (subsection 10(2) of the Act) for an amount of \$30,000 (paragraph 10(1)(d)). For related victims an amount of special assistance can be awarded for each related victim of \$30,000 (subsection 19(2) of the Act).

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

A primary victim of a sexual assault (consisting of offences against sections 92A to 92L of the *Crimes Act 1900*), being a police officer, ambulance officer, or firefighter when the criminal injury was sustained in the course of their functions as an officer, is entitled to special assistance for pain and suffering of no more than \$50,000 (paragraphs 10(1)(e) and (f) of the Act). Special assistance for primary victims may be available in the amount of \$30,000 (paragraph 10(1)(d) of the Act) if the criminal injury falls into the category of an 'extremely serious injury' (section 11 of the Act).

A Related victim, who is defined as a close family member, a dependant or a person with an intimate personal relationship with the primary victim (section 16 of the Act), can be awarded financial assistance for reasonable expenses (including the costs, other than legal, of making the application for compensation) incurred as a result of the injury and death, and pecuniary loss suffered as a consequence of total or partial incapacity for work as a consequence of the injury and death (sections 17 and 19 of the Act). Special assistance in the amount of \$30,000 may also be awarded by the Court (sections 19(2)(a) and (b) of the Act). An eligible property owner is defined as a person whose property is damaged while the person is assisting a police officer in the course of certain actions by the police officer (section 21 of the Act). An eligible property owner may be awarded financial assistance for reasonable costs incurred as a result of damage to property up to a maximum of \$50,000 (section 23 of the Act).

Limits of Financial Assistance

The Court shall not award financial assistance to a primary victim or a person responsible for the maintenance of a primary victim where the criminal injury arose out of the use of a motor vehicle; or where the amount of assistance that would be awarded is less than \$100; or if the primary victim is such a victim by virtue of the commission of a violent crime against him or her – unless a report is made to a police officer; or if the primary victim was engaged in the commission of a serious crime (section 12 of the Act).

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

The Court shall not award financial assistance to any related victim where the criminal injury arose out of the use of a motor vehicle; or where the amount awarded would be less than \$100; or where at the time the criminal injury was sustained the primary victim was engaged in the commission of a serious crime; or where the primary victim was such a victim by virtue of the commission of a violent crime against him or her – unless a report of the violent crime is made to a police officer; or if the primary victim contributed substantially towards the criminal injury that resulted in their death (section 18 of the Act).

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

Recovery of Financial Assistance

Part 4 of the Act provides for the recovery of financial assistance from a defendant who has been served with a provisional order for restitution (section 52 of the Act provides for definitions). The Registrar is able to consider that, before or after the final award is made in relation to criminal conduct, if a person has been convicted of a related crime, the Registrar may make a provisional order for the restitution of the amount of the award to the Territory by the person who is convicted (section 54 of the Act).

The Registrar granted 15 provisional orders for restitution in this financial year. The total amount was \$368,658.17 for those provisional orders. This financial year the ACT Government Solicitor recovered an amount of \$76,495.02 pursuant to provisional orders.

Three of the provisional orders were confirmed. An additional three provisional orders granted in the last financial year were also confirmed. Five notices of objection (section 55 of the Act) were filed against provisional orders. One application for provisional order was withdrawn on the immediate payment of a reduced amount by the defendant. Two of the awards were reduced. Those awards reduced and revoked are as follows:

Provisional Award	Reduced to
\$50,000.00	\$12,500.00
\$3,059.00	\$1,559.00

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

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

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

Compensation Levy under the Act

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

For this financial year there were 2365 compensation levies imposed by the ACT Magistrates Court.

The total amount for compensation levies imposed in the financial year was \$118,250.00. An amount of \$76,592.21 was paid for compensation levies in the financial year.

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

Review of the Act and the Victims Services Scheme

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

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

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

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

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

Tables and information which include statistical data and analysis

Applications for Financial Assistance under the Act

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

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

Table 1 – Total number of applications lodged

Reporting Year	Total number of applications lodged
2001 – 2002	133
2002 – 2003	129
2003 – 2004	115
2004 – 2005	105
2005 – 2006	111

Table 2 – Awards made, tabulated by application date 1 July 2005 – 30 June 2006

Period in which Application Lodged	Total amount awarded	Number of awards
Before 24 June 1998	\$60,666.60	4
Between 24 June 1998 and 23 December 1999	\$0.00	0
From 24 December 1999	\$1,381,854.17	83
Total	\$1,442,520.77	87

Level of Awards under Act

During the financial year the ACT Magistrates Court made 87 awards (including 29 interim awards). This compares with the previous financial year of 105 awards being made (see table 3). In this financial year a total of \$1,442,520.77 was awarded under the Act. The new Act replaced compensation for pain and suffering with special assistance for victims of extremely serious injuries. Police, emergency service personnel and victims of sexual assault are still currently entitled to compensation for pain and suffering. Once again there has been an increase in the average amount awarded to victims this year compared to the previous year.

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

	2002-2003	2003-2004	2004-2005	2005-2006
Total amount awarded	\$1,526,484.25	\$1,048,032.07	\$1,329,489.63	\$1,442,520.77
Total number of awards	121	95	105	87

Monetary Amount of Awards

Table 4 provides information on the total number and amounts of awards for the period of 1 July 2005 to 30 June 2006, on a monetary scale that ranges from \$5,000 to over \$30,000. Table 4 shows that the highest number of awards for financial assistance are below \$5,000 with 25 awards totaling \$49,466.65. However whilst there were only 20 awards in the category above \$30,000 the awards actually totaled \$863,291.20

Table 4 – Total amount awarded by size

Period awarded 1 July 2005 – 30 June 2006

	Number	Amount
Under \$5,000	25	\$49,466.65
\$5,000 - \$9,999	21	\$149,289.82
\$10,000 - \$19,999	13	\$171,757.02
\$20,000 - \$30,000	8	\$208,716.08
Above \$30,000	20	\$863,291.20
Total	87	\$1,442,520.77

Awards – Examples of Expenses

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

- costs associated with house sale, relocation and purchase of new home, e.g. commission, solicitor’s fees on conveyancing, and removalist’s fees.
- home alarm system.
- remedial massage, hydrotherapy and counselling.

Awards – Type of Crime

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

Table 5 – Awards by type of crime

Crime	No. of awards 2005 - 2006	Pain and suffering	Total award	Pain and suffering as a % percentage of the total	Average award
Assault	43	\$44,000.00	\$495,662.00	9%	\$11,527
Assault and Rob	1	0	\$533.65	0%	\$533
Attempting to effect an arrest	7	\$71,500.00	\$73,618.50	97%	\$10,516
Death of a Related Victim	6	\$30,000.00	\$213,812.26	14%	\$35,635
Domestic Violence	1	0	\$15,100.85	0%	\$5,033
Home Invasion	1	0	\$4,034.40	0%	\$4,034
Other	1	0	\$2,220.00	0%	\$2,220
Sexual Assault	22	\$548,041.90	\$626,172.15	88%	\$28,462
Stalking	1	0	\$10,120.61	0	\$10,120
Street Assault	2	0	\$1,246.35	0	\$623
Total	87	\$693,541.90	\$1,442,520.77	48%	\$16,580

Awards – Occupation of Applicant

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

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

The table shows that apart from the group where the occupation is not known, the occupations that filed the most applications are police officers and students and that pain and suffering comprised 96% and 83% of the total awards respectively.

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

Table 6 – Awards by occupation

Occupation	No. of awards (2005 – 2006)	Pain and suffering	Total award	Pain and suffering as a percentage of the total	Average award
Administrative Assistant	3	\$123,784.00	\$126,403.00	98%	\$42,134
Apprentice	1	.00	\$14,947.00	0%	\$14,947
Businessman	2	25,000.00	\$57,158.40	44%	\$28,579
Care Worker	1	.00	\$10,120.61	0%	\$10,120
Child	2	\$25,000.00	\$31,790.67	79%	\$15,895
Computer Consultant	1	.00	\$772.45	0%	\$772
Console Operator	1	.00	\$50,000.00	0%	\$50,000
Customer Service Rep	1	.00	\$8,539.60	0%	\$8,539
Home Duties	3	\$74,657.90	\$106,803.83	70%	\$35,601
Kitchenhand	1	\$30,000.00	\$30,450.00	99%	\$30,450
Labourer	1	.00	\$8,649.20	0%	\$8,649
Not Known	23	\$135,000.00	\$416,365.37	32%	\$18,102
Pensioner	2	.00	\$7,852.25	0%	\$3,926
Police Officer	10	\$90,500.00	\$93,919.20	96%	\$9,391
Public Servant	5	.00	\$61,453.82	0%	\$12,290
Retired	1	.00	\$4,034.40	0%	\$4,034
Sales Person	3	.00	\$20,144.51	0%	\$6,714
School Teacher	4	.00	\$22,359.53	0%	\$5,589
Self Employed	3	.00	\$938.65	0%	\$312
Student	12	\$189,600.00	\$228,678.64	83%	\$19,056
Taxi Driver	1	.00	\$17,709.00	0%	\$17,709
Tradesman	6	.00	\$123,430.64	0%	\$20,571
Total	87	\$693,541.90	\$1,442,520.77	48%	\$16,580

Awards – Location of Crime

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

Table 7 – Awards categorised by location of crime site

Location	No. of awards 2005 - 2006	Pain and suffering	Total award	Pain and suffering as a percentage of the total	Average award
Unknown	1	.00	\$870.00	0%	\$870
Carpark	4	.00	\$62,458.10	0%	\$15,614
Home	27	\$258,784.00	\$507,655.15	51%	\$18,802
Motel/Hotel	2	\$15,000.00	\$28,077.05	53%	\$14,038
Nightclub/Bar	7	\$10,000.00	\$93,398.34	11%	\$13,342
Other	13	\$212,657.90	\$281,181.59	76%	\$21,629
School	4	\$25,000.00	\$32,350.53	77%	\$8,087
Street	25	\$156,600.00	\$353,297.01	44%	\$14,131
Workplace	5	\$15,500.00	\$84,103.00	18%	\$16,820
Total	87	\$693,541.90	\$1,442,520.77	48%	\$16,580

Gender of Victim

The gender of applicants who have lodged applications under the Act are 61 males and 49 females. This is in contrast to last year where the gender was 61 females and 44 males. The gender of the perpetrator of the crime against the victim is not available.

Brief summaries of the facts and circumstances of each individual award made during the financial year being 2005-2006

Magistrates Court

Number		Total Award	Date of Award
97/145	A male person was assaulted by several youths and suffered injury including a fractured maxilla requiring a plate to the right orbital floor, peri-orbital haematoma, bruising and lacerations to the eyebrow, corneal abrasions, a tear to the lower lip requiring stitches and psychological injury. Several male youths were found guilty of offences relating to the incident. The applicant was awarded \$20,000 for pain and suffering.	\$20,807.00	13/6/06
98/158	A female youth witnessed a serious assault on her father and suffered post traumatic stress disorder and nightmares. A male person was convicted of offences relating to the incident and received a suspended sentence. An interim award was made.	\$870.00	5/8/05
99/469	A male person was assaulted and suffered injury including closed head injury and concussion, injury to his lower back, soreness to his neck, shoulder and chest wall and psychological injury. The applicant was awarded \$15,000 for pain and suffering.	\$17,709.00	10/2/06
01/37	An award was made in this matter on 27 September 2001 as a result of a sexual assault (refer to Annual Report 2001-2002). The award was varied to include further amounts for reasonable expenses.	\$774.47 \$4,990.00	12/1/06 20/4/06
01/75	A male youth was sexually assaulted by a male person and suffered psychological injury. A male person pleaded guilty to offences relating to the incident and was sentenced in the Supreme Court to 2 years imprisonment. The applicant was awarded \$25,000 for pain and suffering.	\$26,100.00	9/3/06
01/101	A male person was assaulted by unknown male persons and suffered injury including a fractured skull in two places, a fractured nose, loss of smell, bruising and abrasions to the face and legs, scarring to the face, and loss of sensitivity to areas of the face. The applicant was awarded \$49,506.20 for special assistance.	\$50,000.00	16/3/06

Number		Total Award	Date of Award
02/52	A male person was sexually assaulted by a male person and suffered psychological injury. The applicant was awarded \$25,000 for pain and suffering.	\$36,351.40	24/5/06
02/100	A female person was assaulted and suffered injury a shattered femur and subsequent problems with her hip and knee. The offender was not identified. An interim award was made.	\$2,074.05	22/3/06
02/121	A female youth was sexually assaulted by a male person and suffered psychological injury, difficulty sleeping and aggressions. A male person was sentenced to 4 ½ years imprisonment with a 2 year non parole period. The applicant was awarded \$40,000 for pain and suffering.	\$40,275.00	13/2/06
02/122	A female youth was sexually assaulted by a male person and suffered depression, loss of trust and loss of self-confidence. An interim award was made.	\$5,690.67	24/8/05
02/123	A female person was sexually assaulted by a male person and suffered psychological injury including a lack of self confidence, depression, lack of concentration and stress. A male person was sentenced to 4 ½ years imprisonment for the offence. The applicant was awarded \$45,000 for pain and suffering.	\$45,275.00	13/2/06
03/10	The applicant to this matter was awarded an interim amount on 3 March 2003 as a result of an assault (refer to Annual Report 2002-2003). A further interim award was made.	\$13,077.05	13/6/06
03/22	A female youth was raped by two male persons and suffered chronic psychological disorder, depression, anxiousness, and mental shock. The offenders were not identified. The applicant was awarded \$40,000 for pain and suffering.	\$40,000.00	1/8/05
03/38	The applicant to this matter was awarded an interim amount on 12 May 2005 as a result of an assault (refer to Annual Report 2002-2003). A further interim award and a final award were made.	\$428.00 \$6,121.97	18/10/05 10/3/06
03/51	A male person was assaulted and suffered injury including a stab wound, acute pain disorder, psychological injury and possible brain damage. The offenders were not identified. The applicant was awarded \$30,000 for special assistance.	\$50,000.00	12/10/05

Number		Total Award	Date of Award
03/69	A male youth was sexually assaulted by a male person and suffered psychological injury. The offender was not identified. An interim award was made.	\$5,845.53	8/11/05
03/73	An award was made in this matter on 15 November 2004 as a result of a sexual assault (refer to Annual Report 2004-2005). The award was varied to include a further amount for reasonable expenses.	\$3,626.00	18/8/05
04/22	A female person was assaulted by her male partner and suffered bruising to her face, head and back, and psychological injury. A male person was charged with common assault.	\$447.60	1/7/05
04/33	The applicant to this matter was awarded an interim amount on 17 August 2004 as a result of an assault (refer to Annual Report 2004-2005). A further interim award was made.	\$1,152.27	3/3/06
04/38	A male police officer suffered injury whilst attempting to arrest an offender when he banged his knee on the ground. He was subsequently involved in another incident with an offender and again injured his knee. The applicant was awarded \$4,000 for pain and suffering.	\$4,273.50	16/12/05
04/39	The male police officer referred to in 04/38 (above) suffered injury whilst attempting to arrest and offender. The applicant suffered a hit to the side of his face and a reoccurrence of his knee injury. The applicant was awarded \$4,000 for pain and suffering.	\$4,273.50	16/12/05
04/41	A male person was assaulted and suffered injury including a head injury requiring 18 stitches resulting in permanent raised scarring of the forehead. He also suffered a skull fracture, hearing loss, poor balance and post traumatic stress disorder. The injuries affected his ability to work and his fear of going out in Canberra required him to relocate. A male person was charged with an offence in relation to the incident and committed to Supreme Court for trial.	\$36,640.00	19/12/05
04/45	A male person was assaulted by an unknown male offender and suffered the loss of two front teeth.	\$8,649.20	10/2/06
04/62	A female youth was sexually assaulted and suffered psychological injury. A male youth was charged with committing an act of indecency against a person under 10 years but the charge was dismissed. The applicant was awarded \$49,600 for pain and suffering.	\$50,000.00	21/3/06

Number		Total Award	Date of Award
04/68	The applicant was a related victim of a serious crime and suffered financial loss as a consequence. The application was also made on behalf of other family members and the amount of \$30,000 was awarded for special assistance.	\$50,000.00	8/11/05
04/83	The applicant to this matter was awarded an interim amount on 1 December 2004 as a result of an assault (refer to Annual Report 2004-2005). Further interim awards were made.	\$216.00 \$189.00	28/7/05 21/6/06
04/85	The applicant was a related victim of a serious crime and suffered financial loss as a consequence. An interim award, including \$30,000 for special assistance, was made. The interim amount was amended taking it to the maximum amount able to be awarded by the court.	\$48,365.73 \$1,634.27	1/7/05 7/4/06
04/88	A male police officer suffered injury whilst executing a search warrant when he fell from a brick fence bruising the bone of his knee. The applicant was awarded \$7,000 for pain and suffering.	\$7,847.00	13/10/05
04/90	A female person was sexually and physically assaulted and suffered black eyes, neck injury and psychological injury. No charges were laid in relation to the incident. The applicant was awarded \$48,784.00 for pain and suffering.	\$50,000.00	12/1/06
04/100	A female person was assaulted by a male person and suffered bruising and soreness to her arms, back and face, psychological injury necessitating the applicant to relocate premises.	\$1,704.43	14/6/06
05/4	A female youth was sexually assaulted by a male person and suffered psychological injury. The applicant was awarded \$30,000 for pain and suffering.	\$30,450.00	4/10/05
05/7	A female police officer suffered injury whilst attempting to arrest a male person including pain to her back and upper thigh, and abrasions to her chin and thumb. The applicant was awarded \$7,000 for pain and suffering.	\$7,567.00	2/5/06
05/11	A male person was stabbed during an altercation with another male person. The applicant required surgery and had been left with a large scar. A male person pleaded guilty to assault and was placed on a bond.	\$751.70	13/7/05

Number		Total Award	Date of Award
05/15	A male person was assaulted and suffered a broken jaw, loose and missing teeth and psychological injury requiring time off work.	\$33,685.70	18/7/05
05/17	A male police officer was assaulted by being spat in the face whilst making an inquiry into an alleged offence. The applicant suffered anxiety, stress and the need to undergo testing for infectious diseases. A male person was charged. The applicant was awarded \$2,000 for pain and suffering.	\$2,211.70	3/8/05
05/21	The applicant to this matter was awarded an interim amount on 27 April 2005 as a result of an assault (refer to Annual Report 2004-2005). Further interim awards were made.	\$8,956.57 \$6,221.67	19/8/05 1/12/05
05/24	A female youth was sexually assaulted and suffered psychological injury. A male person was sentenced to a term of imprisonment in relation to the offence. The applicant was awarded \$20,000 for pain and suffering.	\$23,563.08	21/3/06
05/25	A female person was sexually and physically assaulted on several occasions and suffered psychological injury. A male person was charged with offences in relation to the incident but was not convicted. The applicant was awarded \$35,000 for pain and suffering.	\$35,000.00	12/1/06
05/26	A male person was assaulted and suffered injury including the loss of two teeth, one of which was unable to be replaced. The offender was not identified.	\$10,841.50	23/8/05
05/30	A female person was assaulted and suffered injury including bruising to her arms and ankle, abrasions and the necessity to install security for her home. A male person was found guilty of offences in relation to the assault. An interim award was made.	\$7,101.06	28/6/06
05/34	A male police officer suffered injury whilst attempting to arrest a male person including injury to his wrist, forearm, head and neck, groin and hand, and a need to undergo testing for HIV and Hepatitis B and C. The applicant was awarded \$10,000 for pain and suffering.	\$10,522.00	5/12/05
05/36	A male person was assaulted and suffered injury including a broken left elbow, broken right forearm, lacerations and bruising. The offender was not identified. Interim awards were made.	\$11,914.69 \$7,349.82	7/9/05 12/1/06

Number		Total Award	Date of Award
05/38	A female police officer suffered injury whilst attempting to arrest a male person including damage to her sinus, a black eye, fracture to her nose, anxiety and stress. The applicant was awarded \$9,000 for pain and suffering.	\$9,070.00	21/6/06
05/39	The applicants were related victims of a serious crime and suffered financial loss and psychological injury. \$30,000 for special assistance was awarded.	\$46,637.26	5/10/05
05/41	A male person was assaulted and suffered injury including a broken nose, cheekbones and jaw, and severe facial injuries including deformity to the right eye leaving the applicant unable to drive a motor vehicle due to double vision. A male person was charged with offences in relation to the incident. The applicant was awarded \$30,000 for special assistance.	\$37,033.11	4/10/05
05/42	The applicant was a person responsible for the maintenance of a male youth who was assaulted and suffered injury including a broken nose, loosened front teeth, bruised and swollen mouth and psychological injury. The male offenders were not identified.	\$376.35	27/10/05
05/44	A female person was assaulted and suffered a compound dislocation of the right ankle. A male person charged with assault occasioning bodily and committed to stand trial in the Supreme Court. Interim awards were made.	\$14,598.57 \$4,795.05	23/9/05 16/6/06
05/45	A male person was assaulted and suffered injury including scarring to his nose, difficulty breathing, loss of sense of smell and psychological injury. A male person was charged with offences in relation to the incident. An interim award was made.	\$10,416.20	13/12/05
05/46	A female person was assaulted by her husband and suffered injury including bruising, gashes, a black eye, swollen nose and lips, short term memory loss, headaches and blurred vision. A male person was charged with recklessly inflicting grievous bodily harm and attempt to kill and received a suspended sentence.	\$5,632.25	10/11/05
05/50	The applicant was a related victim of a serious crime and suffered financial loss as a consequence. An interim award, including \$30,000 for special assistance, was made.	\$37,175.00	4/7/05

Number		Total Award	Date of Award
05/51	A male youth was assaulted with a piece of wood and suffered injury including a depressed fracture of the tip of the nasal bones, concavity of the nose cartilage and total occlusion of both airways which subsequently reduced to 50% occlusion. A male person was charged with an offence in relation to the incident. An interim award was made.	\$1,602.50	1/12/05
05/52	A female person was assaulted and suffered a severe bite to her ear requiring ongoing reconstructive surgery and causing her post traumatic stress disorder. A male person was apprehended and taken to the Canberra Hospital Psychiatric Unit. An interim award was made.	\$4,635.76	10/11/05
05/56	A male person was assaulted and suffered injury including lacerations around and to the left eye, scarring, swelling, bruising, headaches and psychological injury.	\$5,741.55	12/4/06
05/58	A male person was assaulted by a group of male youths and suffered injury including a cut lip requiring stitches. The offenders were not identified. An interim award was made.	\$772.45	3/3/06
05/59	A female person was the victim of stalking by another female person and suffered psychological injury requiring her to change her telephone services and install an alarm system. An interim award was made.	\$2,220.00	25/10/05
05/61	A male person was assaulted and suffered injury to his cheek requiring surgery, and psychological injury. An interim award was made.	\$7,952.10	28/11/05
05/64	A female person was sexually assaulted and suffered injury including possible dislocation of her shoulders, bruising to her back, arms and legs and psychological injury. The offenders were not identified. The applicant was awarded \$30,000 for pain and suffering.	\$30,000.00	24/2/06
05/68	A male person was assaulted and suffered injury including facial lacerations, a dislodged tooth, neck trauma and double vision. The applicant required extensive dental rectification work. An interim award was made.	\$15,032.90	21/11/05
05/69	A female person was sexually assaulted and suffered psychological injury as well as becoming pregnant from the assault. The applicant was awarded \$25,000 for pain and suffering.	\$50,000.00	27/3/06

Number		Total Award	Date of Award
05/70	The applicants were related victims of a serious crime and suffered financial loss and psychological injury. An interim award of \$30,000 for special assistance was made.	\$30,000.00	19/1/06
05/72	A male person was assaulted and suffered injury including loss of two teeth, a fractured jaw, lacerations to his gums requiring stitches and bruising. The offender was not identified.	\$14,947.00	12/1/06
05/75	A female person was sexually assaulted and suffered psychological injury. Charges were not laid in relation to the assault. The applicant was awarded \$49,657.90 for pain and suffering.	\$50,000.00	27/3/06
05/76	A female youth was sexually assaulted and suffered psychological injury. The applicant was awarded \$15,000 for pain and suffering.	\$15,000.00	7/4/06
05/80	A male youth was assaulted in 1999 with a broken beer bottle and suffered injury including a laceration to the chin requiring stitches and causing scarring and numbness to the chin. A male person was sentenced to a 3 month period of imprisonment. The applicant was awarded \$24,000 for pain and suffering.	\$24,210.50	6/2/06
05/81	A female person was sexually and physically assaulted and suffered injury including bruising, carpet burns to her leg and psychological injury. A male person was sentenced to a period of imprisonment for the offences. The applicant was awarded \$45,000 for pain and suffering.	\$46,403.00	2/12/05
05/85	A female person was stalked by a male person who regularly prowled in her yard. She suffered anxiety necessitating the requirement for security measures to be put in place around her home. The offender was not identified.	\$10,120.61	3/3/06
05/87	A female person was assaulted by a male person and suffered injury including the loss of a front tooth, and aggravation of a pre-existing pelvic injury. A male person was charged with assault.	\$8,539.60	7/4/06
05/96	A female person was assaulted by her male defacto partner and suffered injury including a gash in her ear, bumps and cuts on her head, bruising to her neck, a black eye and cuts and bruises to her torso. The applicant also suffered fear and psychological injury requiring her to relocate to premises. The offender was convicted of an offence relating to the incident and was placed on a good behaviour bond.	\$6,803.83	6/3/06

Number		Total Award	Date of Award
05/97	A female police officer suffered injury whilst attempting to arrest a male person including injury to the head, mouth, lip and psychological injury. The applicant was awarded \$5,000 for pain and suffering.	\$5,259.00	12/5/06
05/102	A male police officer suffered injury whilst attempting to arrest a male person including injury to his right arm, left foot and lower back, and psychological injury. The applicant was awarded \$14,000 for pain and suffering.	\$14,649.50	24/5/06
05/106	A female person was assaulted by another female person and suffered injury including bruising to her left leg and right arm and psychological injury requiring ongoing treatment. A female person was charged with offences in relation to the incident. An interim award was made.	\$5,730.00	13/6/06
06/01	A male person was assaulted by two male persons and suffered injury including a black eye, abrasions and soft tissue damage to his face, and bruising to his ear.	\$533.65	13/6/06
06/03	A male police officer suffered injury whilst attempting to arrest a male person including bruising and abrasions, injury to the anterior cruciate ligament of his knee and psychological injury. The applicant was awarded \$28,000 for pain and suffering.	\$28,246.00	21/6/06
06/04	A male person was assaulted by several males and suffered injury including multiple stab wounds, a punctured lung and laceration of his lip requiring stitches. The offenders were not identified.	\$7,488.05	19/6/06
06/22	A male person was assaulted during a home invasion and suffered fractures to both arms and six fingers, lacerations to his scalp, ear and shoulder, and psychological injury. The offender was not identified. An interim award was made.	\$4,034.40	3/4/06

Supreme Court

Matter Number		Total Award	Date of Award
121/99	The applicant, a child, was assaulted when a woman tried to snatch her whilst the applicant was in a stroller being pushed by her mother. The applicant suffered post traumatic stress disorder, behavioural changes, sleep disturbances and depression. An interim award under section 5(4) was made for \$275.00.	\$275.00 (Interim award)	Master 15/6/06
122/99	The applicant, a child, was assaulted when a woman tried to snatch her whilst the applicant was walking with her mother whilst her mother was pushing her sister in a stroller. The applicant suffered post traumatic stress disorder, behavioural changes, sleep disturbances and depression. An interim award under section 5(4) was made for \$275.00.	\$275.00 (Interim award)	Master 15/6/06
211/99	The applicant was assaulted whilst at a night club in civic. He sustained injuries to his mouth and teeth, and bruising to his head, hip and hand. The applicant was awarded \$15,000.00 for pain and suffering.	\$28,984.50	Registrar 14/12/05
266/99	The applicant was punched in the face by her ex partner. She suffered the loss of two of her front teeth and facial bruising, lacerations to the face, post traumatic stress disorder and depression. The applicant was awarded \$26,000.00 for pain and suffering.	\$47,205.00	Master 30/3/06
292/99	The applicant was walking from a nightclub to a coffee shop in civic in the early hours of the morning when he was assaulted by two young men. He suffered bruising to the nose, forehead and shoulder, soft tissue injury to his neck, stitches in the back of his head and psychological injury. The applicant was awarded \$20,000.00 for pain and suffering.	\$22,757.70	Registrar 14/6/06
403/99	The applicant was the victim of the continual physical and sexual abuse and harassment over a period of approximately six months by her now ex partner. The applicant suffered severe depression, nervous shock, severe anxiety, panic attacks, flashbacks, anorexia and bulimia, post traumatic stress disorder and has been suicidal. The applicant was awarded \$20,000.00 for pain and suffering.	\$22,962.60	Registrar 5/4/06
431/99	The applicant was sexually assaulted by an ex partner. The applicant suffered sexual assault, abrasions and post traumatic stress disorder. The applicant was awarded \$45,000.00 for pain and suffering.	\$47,895.00	Master 3/11/05

Matter Number		Total Award	Date of Award
445/99	The applicant and four of his friends were held hostage, assaulted and threatened by two men who had forced their way into the applicant's home. The applicant suffered nervous shock, anxiety, sleep disturbance with nightmares, hypervigilance, flash backs, mood swings, headaches, lacerations to right arm and wrist, bruising to right arm, necessity to seek new accommodation. The applicant was awarded \$35,000.00 for pain and suffering. The matter was brought back for further mention on 1/9/05 but no order was made.	\$47,577.00	Master 9/7/04 1/9/05
1/04	The applicant is a young girl aged 12 years. When she was 5 years old, an ex partner of the applicant's mother invaded their home, spoke aggressively to the applicant in her room whilst wielding a wooden stake. The applicant suffered adjustment disorder with anxiety. The applicant was awarded \$15,000.00 for pain and suffering.	\$15,850.00	Master 2/3/06

