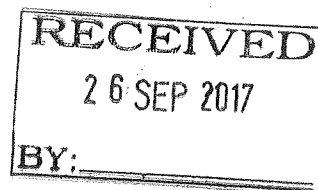


21 September 2017

The Honourable P. D. Cummins AM
Chair, Victorian Law Reform Commission
DX 144
MELBOURNE VIC



Dear Phil,

Review of the Victims of Crime Assistance Act 1996 – VCAT submission

I refer to your letters dated 19 June and 11 September 2017 enclosing the Family Violence and the Victims of Crime Assistance Act 1996 Consultation Paper and the Review of the Victims of Crime Assistance Act 1996 Supplementary Consultation Paper (Supplementary Paper).

Thank you for the opportunity to comment.

The Tribunal notes the discussion in Part Three of the Supplementary Paper – ‘Is there a need for broader reform?’ concerning an administrative model.

VCAT supports the adoption of an administrative model as in other states. This consists of an administrative scheme and a right of review to VCAT. The benefits of this model include to:

- Reduce victim trauma and psychological impacts.
- Limit victims’ exposure to a formal court-like hearing.
- In line with government policy and the Access to Justice Review recommendations, increase victims’ access to compensation by introducing a less costly application process that does not require legal representation.
- Streamline the initial decision-making process, to increase clarity and consistency and improve transparency.
- Relieve pressure and free up resources in the Magistrates’ Court. It is noted at p 208 of the Supplementary Paper that ‘...[VOCAT] is facing challenges in keeping pace with the increased number of applications.’

VCAT has a review jurisdiction under s 59 of the *Victims of Crime Assistance Act 1996* (Act). The Tribunal’s processes are informal with many litigants in person conducting proceedings without representation. Fee relief is available to applicants experiencing financial hardship. A holder of a Commonwealth Health Care Card is automatically eligible to pay a concession fee and an application may be made to waive, reduce or postpone fees.

The Tribunal has no issues concerning the application or operation of s 59 of the Act.

Should you have any questions, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Greg Garde', with a long horizontal flourish extending to the right.

Justice Greg Garde AO RFD
President