

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Ms J Carney

to Minister for Justice and Attorney-General

Crime Victims Assistance

1. How many CVA applications were filed in 04/05; and how are costs to be saved when the number of applications is stable?
2. How will you review the scheme and increase the costs lawyers can claim so that it is profitable for them to do so and, in turn, they will be able to represent more victims?

ANSWER

1. There were 472 CVA (crime victims assistance) applications filed in 2004/5 and 478 applications filed in 2005/6.

Under the current scheme under the *Crime (Victims Assistance) Act*, application levels are relatively stable. However, amendments to the scheme were passed in late 2002 mainly aimed at reducing the legal costs associated with the scheme by imposing a cap on legal fees. In 2001/2 and 2002/3 financial years, legal costs were running at approximately 42% of the scheme (or around \$2.5 million). By the 2005/6 financial year that percentage has reduced to approximately 30% of the costs of the scheme.

Although this has reduced costs to an extent, it is still considered to be inappropriately high. For example, the percentage of costs under the Tasmania scheme is approximately 9%. It is considered to be preferable to ensure that the highest proportion of funds be made available to victims, the intended beneficiaries of the scheme, rather than to lawyers. This is one of the motivations for the reforms that were passed in May 2006, but are yet to commence.

2. The reforms to the current victims financial scheme are contained in the *Victims of Crime Assistance Act 2006*. It is proposed to commence this legislation in early 2007.

The reforms repeal the current court based compensation scheme and replace it with a new administrative assessment scheme for the provision of financial assistance to victims of violent crime. It also establishes a counselling scheme which will provide immediate counselling assistance to victims.

The application and assessment process will be greatly simplified making it easier and more accessible for many victims. Compensation for the injury itself will be assessed by reference to a table of “compensable injuries” which will specify set amounts for specific injuries, as compared to the current scheme which determines awards according to common law principles. A new Crime Victims Services Unit (“CVSU”) is also to be established to assist victims with their applications and administer the assessment process.

As the scheme will no longer be court-based and assessments will be determined by reference to an administrative table, legal representation will not be necessary for the initial application process. Victims will not be excluded from seeking legal advice, particularly from community legal organisations, however the level of assistance required will be greatly reduced.

Legal costs will still be available in relation to appeals to the Local Court. Costs will be set at 80% of the Supreme Court scale.