

INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE TRIBUNALS IN NSW

Organisation: Victims Services, NSW Department of Attorney General and
Justice

Date received: 23/11/2011

The Hon David Clarke MLC
Committee Chair
Standing Committee on Law and Justice
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr David Clarke MLC

Inquiry into opportunities to consolidate tribunals in NSW

I write in reply to your correspondence of 27 October 2011 relating to the inquiry into opportunities to consolidate tribunals in NSW.

After considering the Terms of Reference and the Issues Paper, Victims Services supports the consolidation of tribunals in NSW. It is the view of Victims Services that the Standing Committee gives consideration to an integrated civil and administrative tribunal exercising the functions currently carried out by the Victims Compensation Tribunal.

Work of the Victims Compensation Tribunal

The Victims Compensation Tribunal (VCT) currently consists of three part time Tribunal Members who are appointed acting Magistrates for the term of their employment with the VCT.

The Magistrates undertake three main roles:

- Consideration of appeals lodged from the determination of a compensation assessors pursuant to Part 2 Division 6 of the *Victims Support & Rehabilitation Act 1996* (the Act);
- Conduct hearings to confirm provisional orders issued by the Director of Victims Services against persons convicted for offences for which compensation has been awarded (pursuant to Part 2 Division 8 of the Act); and
- Confirm provisional orders, without conducting a hearing, where there is no response by the defendant (pursuant to Part 2 Division 8 of the Act).

In undertaking these tasks the Tribunal exercises judicial, quasi-judicial and administrative functions. Decisions made by the Tribunal Magistrates are appealable to the District and Supreme Court depending on the Division of the Act under which the decision is made.

Victims Services provides administrative support to the VCT.

In relation to workload we can provide the following information for the last two financial years:

Summary of appeals, 2009/10 and 2010/11

	<i>2009/10</i>	<i>2010/11</i>
Appeals lodged	817	635
Appeals determined	714	735
Pending	307	254

Summary of restitution hearings, 2009/10 and 2010/11

	<i>2009/10</i>	<i>2010/11</i>
Listed for hearing	2,237	2,420
Order finalised	1,743	2,010

Victims Services is of the view that a 'super tribunal' exercising judicial and quasi-judicial functions could conduct these tasks. While under the current legislative scheme this would not be possible, on 11 August 2011 the Attorney General announced a review of the Scheme and this transfer of functions to an integrated civil and administrative tribunal could be considered as part of that Review.

Yours Sincerely

Mandy Young
Director