

Victims Support and Rehabilitation Act, 1996
NOTICE OF DETERMINATION (Section 29)

Name: CH

File Ref: 80432

REASONS FOR AWARD

The application relates to a series of incidents that took place in 1975. All incidents relate to sexual assaults perpetrated against the applicant by the offender at premises at Lismore. Matters were reported to police and the offender was later found guilty of a number of counts of sexual assault.

On the balance of probabilities I find that an act of violence has been established. I further find there to be a series of related acts as define in s5 (3) and (4) of the act.

Evidence of compensable injury

If an applicant is claiming under the offence category of sexual assault or domestic violence, there must be evidence of injury that is either an actual physical injury or a psychological or psychiatric disorder. The report establishing that disorder need not be prepared by an authorised report writer but must be prepared by a person qualified to make that diagnosis.

I have read the report of Barbara Aldrich. On information provided I consider that an injury has been established.

Taking into account the age of the applicant when the incidents took place, the relationship of the offender to the applicant, the obvious power imbalance between the parties, the duration of offences and the cumulative effect that these incidents have had on the applicant I consider that an award in the middle range of sexual assault category 3 is appropriate.

injury s17: Sexual assault category 3.....\$35,000 awarded

It is noted that the applicant has a liability to the Victims Compensation Fund via file number 80432 totaling \$21,504. By virtue of s31 (2) the applicant will be considered to have paid the amount of this award off his existing debt to the tribunal.

AWARD TO APPLICANT \$35,000 less \$21,504.....\$13,496 PAYABLE TO APPLICANT

Costs (inclusive of GST)\$825

Disbursements.....\$715

Assessor.

Date:4th October 2002

