

“When experience counts and you need an innovative approach, contact us”

Welcome to this Spring Edition of Legal Insight.

Our Move

At last! We can now inform you that Hutchinson Legal will be leaving Midway Arcade and relocating to 10-12 Warrandyte Road Ringwood.



Established locals may know this property as the old Doctor's surgery. Actually, the surgery was built as a Vicarage but in the 1920's it was sold to Dr Bill Hewit who used the property as his residence and surgery. One of the Doctors with Dr Hewit was Dr Blair Widmer who recounts that the surgery was a general practice but most commonly used as consultative rooms for ante and post natal care for women. Nearby there was a small hospital where in the 1950's some 356 births were carried out each year!

The practice was sold but Dr Widmer returned to the property using it again as a general medical practice but mostly as a place of care for those with addictions, especially alcoholism. Dr Widmer was the founder of Maroondah Addictions Recovery Project (he remains the Honorary President) and received a Tribute by the then City of Ringwood in 1987 for his management and treatment of alcohol and smoking related illnesses. In recent times, Queensland Investment Corporation

Ancient Wisdom

'Law is a pledge that the citizens of a state will do justice to one another'

– Lycophran, 3rd Century B.C.E.
Greek Poet and Scholar

(the owners of Eastland) converted the house as their office, until an extension of Eastland allowed them to move into the shopping centre.

Hutchinson Legal is proud to be occupying a property with such notable history and intends to continue the tradition of good service to the community.

The official day of relocation is the 3rd October 2008.

Open Day – Your Invitation

In order to celebrate our move we invite all our clients and their families and friends to join us for an Open Day on Saturday 8th November 2008 from 10.00am to 2.00pm. The day will be fun with a jumping castle for the kids (or the kids at heart). A sausage sizzle is planned for those who attend around 12 noon and there may also be some free 'give-aways'. Lots of music, lots of fun!

So, come and join with us in our celebrations. We look forward to seeing you.



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If you would like to receive an electronic version of Legal Insight, please:

- call Tristan Tottenham of our office on 9870 9870
- write to us at PO Box 450, Ringwood 3134
- send an email to office@hutchinsonlegal.com.au

Victim of Crime?

There are conflicting reports in the media about the crime rate in Victoria. Some people say it is going up, others say it is going down. One thing is certain – there are always unfortunate victims of crimes of violence against their person through no fault of their own. Unfortunately, society seems to concentrate upon, or at least publicise, punishing the offenders, while their victims often appear to go unsupported and their needs unrecognized.

Many people are not aware of the existence of the Victims of Crime Assistance Tribunal (VOCAT), a body set up to address this apparent anomaly. VOCAT is a user-friendly forum whereby victims of violent crimes against their person (for example assault or robbery, but not economic crimes such as fraud or theft) can apply for financial assistance. For many successful applicants, the symbolic gesture that society has recognized them is at least as important as any financial award received.

There are two main hurdles applicants to VOCAT need to get over. The first is that they must show they have been a victim of an applicable crime that happened in Victoria;

the second is that they must show they have been injured as a result. Such injury may be physical, psychological or a combination of both, as supported by relevant reports. Victims also have an obligation to report the crime to the police within a reasonable period of time and to assist the police in bringing the offender (if known) to justice. Applications to VOCAT should be made within two years of the crime.

Once over these hurdles, the Tribunal has the power to reimburse victims for any out-of-pocket medical expenses and loss of earnings up to a limit, in addition to making awards on a sliding scale for Special Financial Assistance (a new name for what was once known as Pain and Suffering) and expenses arising out of specific recommendations made by a psychologist to assist recovery, in exceptional circumstances.

VOCAT also recognizes the special position of parents or guardians who are hurt or injured as a result of becoming aware of a crime suffered by one of their minor children; they can also submit a claim.



If you, or someone you know, have been a victim of such a crime of violence, we can help, not only in submitting a claim to VOCAT, but also in referring the victim to therapeutic counselling services. Our legal costs and those of the counselling services are generally covered by the Tribunal. There is usually no need to attend a hearing. VOCAT does not take away the individual's right to sue the offender privately in a civil court case, but it is less of a burden (usually free), and any award made by VOCAT does not depend on the offender's financial ability to pay.

Perpetrator of Crime?

For those in trouble with the police or worried about what a criminal record might mean the Criminal Justice Diversion Program (CJDP), may offer an alternative to a criminal conviction.

CJDP is designed to break the cycle of crime by keeping offenders out of the formal court system, avoiding first criminal convictions, aiding offenders' rehabilitation, offering better access to community resources for counselling or treatment and making sure appropriate reparation is made to victims of crime.

Prior convictions do not automatically disqualify an offender from the program, but they are considered when an application to enter CJDP is made. However, offences punishable by a minimum or fixed sentence or penalty are not appropriate for the program. Also, the offence itself must not be a serious offence (that is, it must be one that is tried summarily), and there must be sufficient evidence to gain a conviction. CJDP must be considered appropriate in the circumstances and requires the consent of the prosecution in each case.

Before appearing before a magistrate, a diversion coordinator will interview the

defendant to identify the major issues and to come up with a suggested outcome. Victims may be asked to provide information, including the amount of compensation being sought for property damage and whether an apology from the person charged would be of value.

At the diversion hearing the Magistrate will assess the suitability of the offender for CJDP and a diversion plan will be drawn up. The plan may require the offender to apologise to and compensate the victim, attend counselling or treatment, help with local community projects or attend road trauma awareness programs or defensive driving courses.

If the conditions of the CJDP plan are satisfied, the charges against the offender are discharged and the outcome is recorded in a similar way as a caution. It will not appear as part of a formal criminal record, and cannot be alleged as a prior offence.

If the conditions are not met, the matter is referred back to the court as if it was being initially listed for hearing and all the information regarding CJDP is removed from the file.

If you or anyone you know is interested in making a claim to VOCAT, or requires more information on the CJDP please contact Paul Johnstone on 9870 9870.



HUTCHINSON LEGAL
per Grant Hutchinson

Tel: **(61 3) 9870 9870**

Fax: (61 3) 9870 5704

Email: office@hutchinsonlegal.com.au

PO Box 450, Ringwood 3134.

Visit us at www.hutchinsonlegal.com.au (Last updated July 2008)

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