

CITATION: *Brici v Victims Assist Queensland* [2018] QCAT 4

PARTIES: Angela Brici
(Applicant)
v
Department of Justice and Attorney-General –
Victims Assist Queensland
(Respondent)

APPLICATION NUMBER: GAR169-17

MATTER TYPE: General administrative review matters

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: **Member Steven Holzberger**

DELIVERED ON: 10 January 2018

DELIVERED AT: Brisbane

ORDERS MADE: **1. The application to extend time is refused.**
2. The review application is dismissed.

CATCHWORDS: ADMINISTRATIVE LAW – ADMINISTRATIVE TRIBUNALS – QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL – general administrative review matter

PROCEDURE – CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS – MOTIONS, INTERLOCUTORY APPLICATIONS AND OTHER PRE-TRIAL MATTERS – application to extend time – where the Tribunal has no jurisdiction to determine the review – the interests of the parties – interests of justice

Queensland Civil and Administrative Tribunal Act 2009 (Qld), s 17(1), s 62(1)(a)
Victims of Crime Assistance Act 2009 (Qld), s 124, s 125

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act).

REASONS FOR DECISION

- [1] On 24 October 2014, Ms Brici made a Financial Assistance Application to Victims Assist in relation to an act of violence which occurred on or about 28 July 2011 (the first application).
- [2] That application lapsed, presumably pursuant s 64(3) of the *Victims of Crime Assistance Act 2009* (Qld) (VCA Act) on 22 April 2015.
- [3] Ms Brici reapplied on 22 July 2016 (the second application).
- [4] On 24 October 2016, Ms Brici emailed a letter of complaint '*regarding my application process and how it was handled*'¹ primarily about her dealings with the assessor who handled the first application and '*wrongly assessed*'² it and the Acting Director with whom she raised her initial concerns.
- [5] Responses to that complaint were provided by an Acting Victims Services Coordinator on 25 November 2016 and on 14 December 2016, the latter response because Ms Brici was of the view that the former did not respond to all of her complaints.
- [6] Ms Brici applied for an internal review of that decision on 12 January 2017.
- [7] The internal review decision, which is the decision Ms Brici has applied to the Tribunal to review, was made on 13 January 2017. The decision conceded that there had been errors and unnecessary delays in the process and apologies for those were offered.
- [8] Ms Brici was advised of her rights to external review of that internal review decision and at her request it was referred to the Office of the Queensland Ombudsman for review. The Ombudsman's review decision was delivered on 16 February 2017.
- [9] Victims Assist, in its submissions, advises that on 10 January 2017 a notice of decision and statement of reasons was sent to Ms Brici in respect of her second application providing grants of financial assistance. Ms Brici makes no comment about this in her material and it is clearly not the decision she asks the Tribunal to review.
- [10] It is Victims Assist's primary submission that the Tribunal does not have jurisdiction to review the internal review decision and it should be

¹ Email addressed to victimslinkup@justice.qld.gov.au, page 1 para [1].
² *Ibid*, page 1 para [3].

dismissed accordingly. No formal application to have the application struck out has been made.

- [11] The Tribunal may only review a decision if jurisdiction is conferred on it by an enabling Act,³ in this case the VCA Act.
- [12] Under the VCA Act an applicant may apply for an internal review of some 32 decisions.⁴ The Tribunal's jurisdiction is limited to a review of those internal review decisions.⁵
- [13] A decision arising from a complaint in relation to the manner in which her original application was handled is not one of those internal review decisions. No decision on her application which may have a right to internal review was ever made. The lapsing of the application is not an internal review decision capable of review by the Tribunal.
- [14] While the delay in bringing the application itself, particularly where no prejudice is alleged by Victims Assist, would not in itself be sufficient to refuse the application to extend it is not in the interest of either party or in the interests of justice to extend time for an application which the Tribunal has no jurisdiction to hear, and accordingly which ultimately must fail.
- [15] In those circumstances:
1. The application to extend time is refused;
 2. The review application is dismissed.

³ *Queensland Civil and Administrative Tribunal Act 2009* (Qld), s 17(1).

⁴ VCA Act, s 124, Schedule 1.

⁵ *Ibid*, s 125.