



Victims of Crime Assistance Tribunal

Chief Magistrate's Chambers
Melbourne Magistrates' Court

Practice Direction

No.1 of 2012

EVIDENCE OF PHYSICAL INJURY

PRACTICE DIRECTION ISSUED PURSUANT TO SECTION 58
OF THE VICTIMS OF CRIME ASSISTANCE ACT 1996

Background

When an application for assistance is filed with the Tribunal, the registry usually obtains police material relating to the act of violence. The material the police provide often includes evidence of physical injury, such as hospital records, medical reports and/or photographs taken of the injuries suffered by the victim as a consequence of the act of violence. In those cases, it is usually both unnecessary and costly for the applicant and/or their legal practitioners to obtain additional medical reports in support of the application.

If the evidence provided by the police about the nature and extent of the physical injury is inadequate, the Tribunal will request the applicant or the legal practitioner to obtain further evidence or reports and the Tribunal will meet the reasonable costs of obtaining the additional material.

Direction

VOCAT will not pay for medical reports, including specialist's reports, relied upon solely to prove a physical injury unless it has first provided written authorisation to obtain the report/s. Where VOCAT, having obtained police and other material, still requires evidence of a physical injury, it will advise the applicant/ the applicant's legal representative in writing. In such circumstances, VOCAT will meet the reasonable cost for preparation of the medical material requested and allow the applicant sufficient time to file the requested report/s.

This direction does not apply where the report or reports are obtained to prove the presence of a mental illness or disorder.

Commencement

This Practice Direction has effect from

5th NOVEMBER 2012


IAN L GRAY
Chief Magistrate