



Victims of Crime Assistance Tribunal

Chief Magistrate's Chambers
Melbourne Magistrates' Court

Practice Direction

No. 1 of 2007

NOTIFICATION BY TRIBUNAL TO POTENTIAL RELATED VICTIMS

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

Purpose

The purpose of this Practice Direction is to specify the circumstances in which the registrar of the Tribunal is required to notify potential related victims that they may have an entitlement to make an application to the Tribunal, and the forms to be used when making this notification.

Background

The procedure outlined in this Practice Direction is consistent with that previously included in the Victims of Crime Assistance (Procedure) Rules 1997 (at Rule 10).

Notification

If the registrar of the Tribunal is of the opinion that a person may have an entitlement to make an application to the Tribunal as a related victim, the registrar must send notification to that person.

Forms

Notification must be in the attached Form A, unless the person is under the age of 18 years or is a represented person within the meaning of the *Guardianship and Administration Act 1986* in which case the notification must be in Form B.

This Practice Direction has effect from 1 July 2007.

IAN L GRAY
Chief Magistrate
27 June 2007

FORM A

NOTICE TO PERSON WITH POSSIBLE RIGHT TO APPLY

Date:

Dear Sir/Madam

The Tribunal has become aware of the circumstances of the death of _____. The Tribunal has been advised that you may have been a close family member or a dependant of _____ or that you may have been in an intimate personal relationship with _____.

If so, you may be entitled to assistance, including financial assistance, as a “related victim” under section 11 of the **Victims of Crime Assistance Act 1996**

The **Victims of Crime Assistance Act** sets out a number of requirements for the provision of assistance to “related victims”. In particular, you should be aware of the definition sections of the Act, which set out who is a “related victim”. For your information, we enclose a document which sets out these definitions.

If you wish to make a claim for assistance, please complete the enclosed **Application for Assistance** form and return it to the Tribunal within 21 days. It is important that you put in an initial claim within 21 days if you wish to be considered for assistance, as the Tribunal may receive claims from several people who may have been connected with _____ and there is a limited amount of assistance available.

If you wish to obtain further information about whether you may be able to claim assistance or if you have any questions about the process, you can:

- Visit the Tribunal website at www.vocat.vic.gov.au ;
- Contact the Tribunal on 1800 882 752 and speak to a Deputy Registrar;
- Seek legal advice from a lawyer

Yours sincerely

Registrar
Victims of Crime Assistance Tribunal

FORM B

***NOTICE TO A GUARDIAN OF A MINOR *NOTICE TO A GUARDIAN OR ADMINISTRATOR OF A REPRESENTED PERSON**

WITH POSSIBLE RIGHT TO APPLY

Date:

Dear Sir/Madam

The Tribunal has become aware of the circumstances of the death of _____. The Tribunal has been advised that (*name of minor or represented person*) may have been a close family member or a dependant of _____ or that they may have been in an intimate personal relationship with _____.

If so, (*name of minor or represented person*) may be entitled to assistance, including financial assistance, as a “related victim” under section 11 of the **Victims of Crime Assistance Act 1996**

The **Victims of Crime Assistance Act** sets out a number of requirements for the provision of assistance to “related victims”. In particular, you should be aware of the definition sections of the Act, which set out who is a “related victim”. For your information, we enclose a document which sets out these definitions.

If (*name of minor or represented person*) wishes to make a claim for assistance, please complete the enclosed **Application for Assistance** form and return it to the Tribunal within 21 days. It is important that (*name of minor or represented person*) puts in an initial claim within 21 days if they wish to be considered for assistance, as the Tribunal may receive claims from several people who may have been connected with _____ and there is a limited amount of assistance available.

If you wish to obtain further information about whether you may be able to claim assistance or if you have any questions about the process, you can:

- Visit the Tribunal website at www.vocat.vic.gov.au ;
- Contact the Tribunal on 1800 882 752 and speak to a Deputy Registrar;
- Seek legal advice from a lawyer

Yours sincerely

Registrar
Victims of Crime Assistance Tribunal

Attachment to Form A and to Form B

Who is a 'Related Victim'?

A related victim is defined in section 11 of the Victims of Crime Assistance Act 1996 ("the Act") as a person who, at the time of the act of violence:

- (a) was a close family member of; or
- (b) was a dependant of; or
- (c) had an intimate personal relationship with;

a primary victim who has died as a result of the act.

How is a 'close family member' defined?

A 'close family member' is defined in section 3(1) of the Act as a person who had a genuine personal relationship with the victim at the time of the victim's death and who is:

- (a) the spouse of the victim; or
- (b) a parent, guardian or step-parent of the victim; or
- (c) a child or step-child of the victim or some other child of whom the victim is the guardian; or
- (d) a brother, sister, step-brother or step-sister of the victim.

How is a 'dependant' defined?

A 'dependant' is defined in section 3(1) of the Act as:

- (a) an individual who was wholly or substantially dependent on the victim's income at the time of the victim's death or who would have been but for the incapacity of the victim due to the injury from which he or she died; or
- (b) a child of the victim born after the victim's death who would have been a dependent of the victim under paragraph (a) if he or she had been born before the victim's death.

How is 'intimate personal relationship' defined?

There is no definition for 'intimate personal relationship' in the Act. The Tribunal will decide in each case on the material you provide, whether the relationship was an "intimate personal relationship".