



Victims of Crime Assistance Tribunal

Chief Magistrate's Chambers
Melbourne Magistrates' Court

Practice Direction

No. 1 of 2008

AWARDS FOR COUNSELLING EXPENSES

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

Background

The Victims of Crime Assistance Tribunal may award financial assistance to an eligible applicant for expenses actually incurred, or reasonably likely to be incurred, for reasonable counselling (sections 8, 10 and 13 of the *Victims of Crime Assistance Act 1996*).

Purpose

The purpose of this Practice Direction is to prescribe procedures to assist the Tribunal to determine an application for an award for counselling expenses, and in particular, to assess -

- the qualifications of the proposed counsellor to diagnose and/or treat the applicant;
- the appropriateness and efficacy of the proposed treatment to assist the applicant to recover from the act of violence which has led them making an application to the Tribunal;
- whether the proposed cost of the treatment is 'reasonable';
- the progress of treatment provided to an applicant when further treatment is recommended; -

and to ensure that the applicant has been informed by the counsellor of the proposed treatment and endorses it.

This Practice Direction applies to reports filed by counsellors providing treatment, and is not applicable to assessment reports (i.e., reports where the report writer is not proposing to provide counselling to the applicant). Reference should be made to Practice Direction No. 2 of 2008 for direction regarding assessment reports by non-treating psychologists and psychiatrists.

Awards for counselling expenses

An award for a counselling expense is made to the applicant. The award authorises the applicant to incur counselling expenses with a particular counsellor consistent with the treatment plan proposed by that counsellor.

When an award for counselling expense is made, the report is the basis for measuring the effectiveness of the treatment provided, and will be relevant in the assessment of any future application for an award for further counselling expenses.

For adult applicants accessing counselling for the first time with respect to an act of violence, the Tribunal will usually pay for the first five hours of counselling for the provision of “information, comfort, emotional and instrumental support (psychological first aid)”¹ by an appropriately qualified counsellor. All expenses awarded are at the discretion of the Tribunal.

Applicants who have already accessed an initial five hours of counselling through the Victims Assistance and Counselling Program, Transport Accident Commission (TAC), WorkCover or the Medicare *Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme* and who want additional counselling, will be required to make an application for an award for additional counselling expenses to be paid by the Tribunal (see **Form 2**).

All applicants seeking an award for counselling expenses are required to complete the *Application for Counselling* form (see **Form 4**).

The Tribunal will consider funding the cost of reasonable counselling services that are additional to the first five hours of counselling accessed by an applicant where:

- there is proper clinical justification;
- the counselling is likely to be effective in achieving and maintaining the applicant’s recovery;
- the proposed treatment method is considered by the professional associations/bodies to which the counsellor belongs to be an appropriate method; and
- *a treatment plan has been considered and approved by the Tribunal.*

The Tribunal is unlikely to pay counselling expenses incurred without prior approval of the Tribunal, except for the provision of ‘psychological first aid’ (i.e., the first five hours of counselling).

Australian Centre for Posttraumatic Mental Health Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder (ACPMH Guidelines)

The Tribunal may refer to the ACPMH Guidelines to assist in making decisions about the assessment and treatment of Acute Stress Disorder (ASD) and Posttraumatic Stress Disorder (PTSD). The ACPMH Guidelines acknowledge that ASD and PTSD are only some of the conditions faced by individuals affected by traumatic events.² The ACPMH Guidelines will not be applicable to all applicants.

¹ Australian Centre for Posttraumatic Mental Health (2007), *Australian Guidelines for the Treatment of Adults with Acute Stress Disorder and Posttraumatic Stress Disorder*, Melbourne, Victoria

² Ibid.

Treating counsellor reports

A counsellor must prepare one of the following reports in support of an application for an award for counselling expenses:

Initial Report – Up to Five Hours of Counselling (see **Form 1**)

This report is required when a counsellor has provided up to five hours of counselling, and the applicant does not seek an award for further counselling.

Initial Report – More than Five Hours of Counselling (see **Form 2**)

This report is required where the applicant seeks an award for more than 5 hours of counselling.

Subsequent Report – Additional Hours of Counselling (see **Form 3**)

This report is required when an applicant requests further counselling beyond that previously awarded by the Tribunal (that is, after an initial application for counselling expenses has already been approved).

All reports must be accompanied by:

- an *Application for Counselling* form signed by the applicant (see **Form 4**); and
- if a fee is claimed for the report, a completed *Counselling and Report Fee Invoice* for that report (see **Form 5**); and
- if a fee is claimed for the counselling sessions already provided, a completed *Counselling and Report Fee Invoice* for that counselling (may be included on invoice for report) (see **Form 5**).

Non-attendance of applicant at scheduled session

If a counsellor intends to file an invoice with the Tribunal claiming a fee for a scheduled counselling session that an applicant failed to attend, the counsellor is required to write to the Tribunal within seven days of the scheduled session to advise of the following:

- date and time of scheduled session;
- date and time of notice (if any) received from the applicant regarding their non-attendance at the scheduled session; and
- the counsellor's published cancellation policy.

The letter from the counsellor must be accompanied by a *Counselling and Report Fee Invoice* (see **Form 5**) for the scheduled session, with an endorsement made on the invoice that the applicant did not attend the session as scheduled.

Travel expenses

The financial assistance awarded for counselling services (reports and counselling sessions) will not include assistance for travel expenses of the applicant and/or counsellor for attendance at a counselling session. Where an applicant seeks financial assistance for travel expenses to attend counselling, a specific request for that assistance must be made.

Change of counselling practitioner

In the event that an applicant ceases treatment with the author of the approved treatment plan and approaches another counsellor for counselling, the proposed counsellor must write to the Tribunal to advise that they agree to provide counselling services consistent with the approved treatment plan, or to propose a new treatment plan. The Tribunal will then consider authorising that the previously awarded counselling be provided by the new counsellor.

The Tribunal is unlikely to pay any unauthorised counselling expenses incurred by the applicant with a counsellor with whom the Tribunal has not authorised the applicant to incur expenses.

Commencement

This Practice Direction has effect from **1 July 2008**.

Practice Direction No.9 of 2003 will continue to apply to all applications for counselling, reports and invoices received by the Tribunal prior to 1 July 2008.

IAN L GRAY
Chief Magistrate
8 May 2008



INITIAL REPORT – RECOMMENDATION FOR UP TO FIVE HOURS OF COUNSELLING

Instructions to report writer

A report in this format is to be provided to the Victims of Crime Assistance Tribunal when the counsellor has provided up to five hours of counselling to an applicant, and either the applicant is not seeking an award for further counselling, or the counsellor does not recommend more than five hours of counselling. The report must be accompanied by the following documents:

- *Application for Counselling* form signed by the counsellor and applicant (Form 4);
- If expenses have been incurred by the applicant for the report and/or up to five counselling sessions provided to date, a completed *Counselling and Report Fee Invoice* for those expenses (Form 5).

Where an applicant has received more than five hours of counselling without the Tribunal authorising payment of the expenses incurred for that counselling, payment will not usually be made by the Tribunal for the additional counselling.

An electronic copy of this form may be downloaded from the Tribunal's website at www.vocat.vic.gov.au. The text boxes will expand as content is entered by the report writer.

Section 1: Applicant Details

- 1.1 Applicant's name
- 1.2 Applicant's date of birth
- 1.3 Tribunal reference number *(if known)*
- 1.4 Tribunal venue *(where application lodged)*

Section 2: Counsellor Details

- 2.1 Counsellor's name
- 2.2 Counsellor's occupation / job description *(e.g., psychologist, social worker)*
- 2.3 Counsellor's address and contact details *(including name of agency / business, address and telephone number)*
- 2.4 Counsellor's qualifications to assess, diagnose and treat the applicant *(include full title of relevant qualification/degree, the name, State and country (if outside Australia) of the institution awarding the qualification/degree and the year the qualification/degree was awarded).*

2.5 Counsellor's experience in assessment, diagnosis and treatment, and other relevant experience.

2.6 Counsellor's professional associations and memberships *(include registration numbers where applicable)*.

2.7 Detail how the applicant was linked to the treatment provider *(e.g., whether the applicant was referred from another person/agency, and the name of the referring person/agency; approached counsellor directly etc.)*.

Section 3: Alleged Act of Violence

3.1 Briefly outline the alleged act of violence.

Section 4: Counselling / Treatment Provided To Date

4.1 Date counselling / treatment commenced

4.2 Number and total duration of sessions provided to applicant by counsellor to date.

4.3 Were any of the sessions provided by the counsellor to the applicant to date funded from another source?

Yes No

If yes, detail the funding source.

4.4 To your knowledge, has the applicant received counselling from any other provider in relation to the act of violence the subject of the application to the Tribunal (including through the *Victims Assistance and Counselling Program, Transport Accident Commission, WorkCover*, or the *Medicare Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme*)? If yes, provide details of the provider and the number and duration of sessions provided.

4.5 To your knowledge, is the applicant entitled to access counselling services through the *Transport Accident Commission, WorkCover, Medicare Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme*? If yes, provide details.

4.6 Detail the type of intervention / treatment you have provided to the applicant to date.

Section 5: Applicant’s Psychological / Psychiatric Issues

5.1 Briefly outline the applicant’s psychological / psychiatric problems, presenting symptoms or issues. Provide details of any tests undertaken.

5.2 Explain the link, if any, between the applicant’s psychological/psychiatric problems, presenting symptoms or issues and the alleged act of violence the subject of the application to the Tribunal.

5.3 Provide a brief assessment of the applicant’s progress and whether you believe that the applicant requires further counselling intervention.

Counsellor’s signature: _____

Counsellor’s name: _____

Dated: _____



INITIAL REPORT – RECOMMENDATION FOR MORE THAN FIVE HOURS OF COUNSELLING

Instructions to report writer

A report in this format is to be provided to the Victims of Crime Assistance Tribunal when the counsellor recommends that the applicant should have more than five hours of counselling. The report must be accompanied by the following documents:

- *Application for Counselling* form signed by the counsellor and applicant (Form 4); and
- If expenses have been incurred by the applicant for the report and/or up to five counselling sessions provided to date, a completed *Counselling and Report Fee Invoice* for those expenses (Form 5).

Where an applicant has received more than five hours of counselling without the Tribunal authorising payment of the expenses incurred for that counselling, payment will not usually be made by the Tribunal for the additional counselling.

An electronic copy of this form may be downloaded from the Tribunal's website at www.vocat.vic.gov.au. The text boxes will expand as content is entered by the report writer.

Section 1: Applicant Details

- 1.1 Applicant's name
- 1.2 Applicant's date of birth
- 1.3 Tribunal reference number *(if known)*
- 1.4 Tribunal venue *(where application lodged)*

Section 2: Counsellor Details

- 2.1 Counsellor's name
- 2.2 Counsellor's occupation / job description *(e.g., psychologist, social worker)*
- 2.3 Counsellor's address and contact details *(including name of agency / business, address and telephone number)*
- 2.4 Counsellor's qualifications to assess, diagnose and treat the applicant *(include full title of relevant qualification/degree, the name, State and country (if outside Australia) of the institution awarding the qualification/degree and the year the qualification/degree was awarded).*

- 2.5 Counsellor's experience in assessment, diagnosis and treatment, and other relevant experience.

2.6 Counsellor's professional associations and memberships *(include registration numbers where applicable)*.

2.7 Detail how the applicant was linked to the treatment provider *(e.g., whether the applicant was referred from another person/agency, and the name of the referring person/agency; approached counsellor directly etc.)*.

Section 3: Alleged Act of Violence

3.1 Briefly outline the alleged act of violence.

3.2 List particulars of all material considered in relation to the applicant *(e.g. police statements, reports, etc.)*.

Section 4: Counselling / Treatment Provided To Date

4.1 Date counselling / treatment commenced

4.2 Number and total duration of sessions provided to applicant by counsellor to date.

4.3 Were any of the sessions provided by the counsellor to the applicant to date funded from another source?

Yes No

If yes, detail the funding source.

4.4 To your knowledge, has the applicant received counselling from any other provider in relation to the act of violence the subject of the application to the Tribunal (including through the *Victims Assistance and Counselling Program, Transport Accident Commission, WorkCover, or the Medicare Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme*)? If yes, provide details of the provider and the number and duration of sessions provided.

- 4.5 To your knowledge, is the applicant entitled to access counselling services through the *Transport Accident Commission, WorkCover, Medicare Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme*? If yes, provide details.

- 4.6 Detail the type of intervention / treatment you have provided to the applicant to date, including details of tests undertaken.

Section 5: Applicant's Psychological / Psychiatric Issues

- 5.1 Briefly outline the applicant's psychological / psychiatric problems, presenting symptoms or issues. Provide details of any tests undertaken.

- 5.2 Detail any relevant prior psychological / psychiatric history of the applicant, including details of any previous counselling provided to the applicant.

- 5.3 Explain the link, if any, between the applicant's psychological/psychiatric problems, presenting symptoms or issues and the alleged act of violence the subject of the application to the Tribunal.

Section 6: Proposed Treatment Plan

- 6.1 Detail the specific treatment goals that you and the applicant have set.

- 6.2 Detail treatment approaches and strategies that will be used to achieve the treatment goals.

6.3 Detail how progress towards the treatment goals will be measured.

6.4 Provide a recommendation for a specific number of counselling hours to be provided to the applicant, the period of time over which it is proposed that the counselling take place, and the estimated cost of the proposed counselling (*reference should be made to the Tribunal's Costs Guideline regarding fees for the preparation of reports and provision of counselling services at www.vocat.vic.gov.au*).

6.5 Provide an assessment of the applicant's treatment prognosis, as well as any extenuating circumstances or barriers that may affect treatment progress (*e.g. prior psychological/psychiatric history, substance abuse, etc.*).

Section 7: Other Relevant Information

7.1 Include any other information relevant to the treatment of the applicant (*documents may be attached to the report if required*).

Counsellor's signature: _____

Counsellor's name: _____

Dated: _____



SUBSEQUENT REPORT – RECOMMENDATION FOR ADDITIONAL HOURS OF COUNSELLING

Instructions to report writer

A report in this format is to be provided to the Victims of Crime Assistance Tribunal when the counsellor recommends that the applicant should have further counselling beyond that previously awarded by the Tribunal. The report must be accompanied by the following documents:

- *Application for Counselling* form signed by the counsellor and applicant (Form 4);
- If expenses have been incurred by the applicant for the report, a completed *Counselling and Report Fee Invoice* for that expense (Form 5).

Where an applicant has received counselling beyond that previously awarded by the Tribunal prior to the Tribunal authorising payment of the expenses incurred for that counselling, payment will not usually be made by the Tribunal for the additional counselling.

An electronic copy of this form may be downloaded from the Tribunal's website at www.vocat.vic.gov.au. The text boxes will expand as content is entered by the report writer.

Section 1: Applicant Details

- 1.1 Applicant's name
- 1.2 Applicant's date of birth
- 1.3 Tribunal reference number *(if known)*
- 1.4 Tribunal venue *(where application lodged)*

Section 2: Counsellor Details

- 2.1 Counsellor's name
- 2.2 Counsellor's occupation / job description *(e.g., psychologist, social worker)*
- 2.3 Counsellor's address and contact details *(including name of agency / business, address and telephone number)*
- 2.4 Counsellor's qualifications to assess, diagnose and treat the applicant *(include full title of relevant qualification/degree, the name, State and country (if outside Australia) of the institution awarding the qualification/degree and the year the qualification/degree was awarded).*

2.5 Counsellor's experience in assessment, diagnosis and treatment, and other relevant experience.

2.6 Counsellor's professional associations and memberships *(include registration numbers where applicable)*.

Section 3: Counselling Provided Since Last Report

3.1 Date counselling / treatment commenced

3.2 Number and total duration of sessions provided to applicant by counsellor to date.

3.3 To your knowledge, is the applicant entitled to access counselling services through the *Transport Accident Commission, WorkCover, Medicare Better Access to Psychiatrists, Psychologists and General Practitioners Benefits Scheme*? If yes, provide details.

Section 4: Applicant's Psychological / Psychiatric Issues

4.1 Outline the applicant's outstanding psychological / psychiatric problems, presenting symptoms or issues.

4.2 Has the applicant's diagnosis and/or prognosis changed in any way? If yes, provide details.

4.3 Detail the complicating or confounding issues, if any, that are hindering the applicant's recovery from the act of violence the subject of the application to the Tribunal.

Section 5: Treatment Plan

5.1 Have the specific treatment goals that you and the applicant set changed? If yes, provide details.

5.2 Detail treatment approaches and strategies that will be used to achieve the treatment goals.

5.3 Detail how progress towards the treatment goals will be measured.

5.4 Provide a recommendation for a specific number of counselling hours to be provided to the applicant, the period of time over which it is proposed that the counselling take place, and the estimated cost of the proposed counselling *(reference should be made to the Tribunal's Costs Guideline regarding fees for the preparation of reports and provision of counselling services at www.vocat.vic.gov.au).*

Section 6: Other Relevant Information

6.1 Include any other information relevant to the treatment of the applicant *(documents may be attached to the report if required).*

Counsellor's signature: _____

Counsellor's name: _____

Dated: _____



APPLICATION FOR COUNSELLING

- 1) Tribunal reference number *(if known)*
- 2) Applicant's name
- 3) Applicant's address
- 4) Tribunal venue *(where application lodged)*

I REQUEST that the Victims of Crime Assistance Tribunal make an award for counselling expenses to assist me to recover from the effects of the act of violence detailed in my application to the Tribunal, and that the counselling be provided by:

- 5) Counsellor's name
- 6) Counsellor's address and contact details *(including name of agency / business, address and telephone number)*

I ACKNOWLEDGE THAT:

- 7) I agree with the counselling plan set out in the counsellor's report filed in support of this application for counselling.
- 8) I have already attended _____ hours of counselling with the counsellor.
(insert number of hours)
- 9) I understand that after the first five hours of counselling, the Tribunal will usually only pay for counselling sessions that take place after an award of financial assistance for further counselling has been made by the Tribunal.
- 10) If, after the first five hours of counselling, I have further counselling before the Tribunal has awarded financial assistance for that counselling *(tick box for relevant clause)*:
 - a) I have agreed to pay the counsellor for that counselling.
 - b) My counsellor has agreed that I will not be charged for that counselling.

Note – if neither option (a) or (b) is marked, the applicant will be requested to file a new Application for Counselling, causing delay in processing the application.

Applicant's signature

Date

Counsellor's signature

Date



COUNSELLING AND REPORT FEE INVOICE

Section 1: Applicant Details

Applicant name _____
Tribunal reference number _____
Tribunal venue _____

Section 2: Counsellor / Report Writer Details

Name of report writer/counsellor _____
Business / agency name _____
(the name that will appear on the cheque issued by the Department of Justice)
ABN number of business / agency _____
Postal/payment address of business / agency _____
(cheque will be sent to this address)
Counsellor reference _____

Section 3: Counselling Fees Claimed

Date of counselling session	Duration of session (Hr:Min)	Signature of Counsellor (to be signed at conclusion of each counselling session)	Signature of Applicant (to be signed at conclusion of each counselling session)	Fee Claimed (inc. GST) (refer to Tribunal's Costs Guideline)
		Date signed:	Date signed:	
		Date signed:	Date signed:	
		Date signed:	Date signed:	
		Date signed:	Date signed:	
		Date signed:	Date signed:	
		Date signed:	Date signed:	

Section 4: Report Fee Claimed

Report Description <i>(e.g., date of report, report type, time spent preparing report)</i>	Fee Claimed (inc. GST) (refer to Tribunal's Costs Guideline)

Section 5: Counsellor / Report Writer Certification

I, _____ certify that:
(name of person that authored the report / provided counselling to applicant)

- I wrote and signed the report referred to in this invoice *(delete clause if no report filed with invoice)*.
- The counselling session(s) claimed in this invoice was *(tick box for relevant clause)*:
 - previously authorised by the Tribunal by letter/notice dated ____/____/____.
 - not previously authorised by the Tribunal.
- The counselling sessions detailed in this invoice were provided by me *(delete clause if no counselling claimed in invoice)*.
- I signed this invoice in the column headed 'signature of counsellor' at the conclusion of each counselling session claimed in this invoice *(delete clause if no counselling claimed in invoice)*.
- The applicant signed this invoice in the column headed 'signature of applicant' at the conclusion of each counselling session claimed in this invoice *(delete clause if no counselling claimed in invoice)*.
- I understand that the filing of this invoice does not guarantee payment of all or part of the amount claimed, and that the amount awarded for expenses is at the discretion of the Tribunal.

Counsellor's signature

Counsellor's occupation

Dated:
