



VICTIMS OF CRIME
ASSISTANCE
TRIBUNAL

Chief Magistrate's Chambers
Melbourne Magistrates' Court

Practice Direction

No. 2 of 2006

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

RESPONSE TO REQUEST FOR REVIEW OF TRIBUNAL'S DECISION

The purpose of this Practice Direction is to establish a procedure to be adhered to upon receipt of a Request for Review, and for the identification of relevant and potentially sensitive documents to be provided to the Victorian Civil and Administrative Tribunal (VCAT) so that a Member of VCAT might consider restricting access to that material. The Victims of Crime Assistance Tribunal (VOCAT) seeks thereby to preserve the privacy of certain information and the provision to the Tribunal of relevant and frank material.

Section 49 Of the Victorian Civil and Administrative Tribunal Act 1998 (VCAT Act) provides;

49 Decision-maker must lodge material

- (1) *If a proceeding is commenced for review of a decision, the decision-maker must lodge with the Tribunal as many copies as the rules require of—*
- (a) *the statement of reasons given by the decision-maker under section 46(1) or, if no such statement has been given, a statement containing the matters set out in section 46(2) or, in the case of the Business Licensing Authority, section 46(2)(a); and*
 - (b) *every other document in the decision-maker's possession that the decision-maker considers is relevant to the review of the decision.*
- (2) *Copies must be lodged under sub-section (1) within 28 days after—*
- (a) *the day on which the decision-maker received notice of the application to the Tribunal;*
or
 - (b) *the day on which the decision-maker referred the decision to the Tribunal— as the case requires.*

- (3) *If the Tribunal considers that there are further documents in the possession of the decision-maker that may be relevant to the review, the Tribunal may give written notice to the decision-maker requiring the decision-maker to lodge the number of copies of those documents required by the rules with the Tribunal within the time specified in the notice.*
- (4) *If the Tribunal considers that a statement lodged under sub-section (1)(a) is not adequate, the Tribunal may order the decision-maker to lodge the number of copies required by the rules of an additional statement containing the further particulars specified in the order within the time specified in the order.*
- (5) *This section applies despite any rule of law relating to privilege or the public interest in relation to the production of documents.*

1. Upon receipt of a Notice of Review, the Registrar shall;
 - a. Provide a copy of the notice to the Tribunal Member who is the decision-maker, with a request for
 - (i) reasons for decision pursuant to section 49(1) of the VCAT Act, and
 - (ii) a list of documents that the Tribunal Member considers is relevant to the review of the decision,
 - (iii) a request that the Tribunal Member indicate whether the contents of any material provided to VCAT pursuant to section 49(1)(b) includes any sensitive information which may require consideration by a VCAT member prior to its release.

2. Upon receipt of the material provided pursuant to section 49(1) of the VCAT Act the Registrar shall forthwith forward the original material to the Registrar, VCAT. Any material identified as sensitive shall be placed in a discreet envelope with a letter attached addressed to the Registrar, VCAT as follows;

The attached envelope contains documents which have been identified by the Tribunal Member as relevant but containing sensitive information the contents of which have not been released to the parties. It is requested that VCAT give consideration to an order pursuant to section 146 of the VCAT Act with respect to this material.

3. In the event that sensitive information is identified and provided to VCAT, the Registrar shall advise the Principal Registrar, VOCAT in writing. The Principal Registrar VOCAT shall instruct the Victorian Government Solicitor to consider making an application to VCAT for a direction pursuant to section 146(4) of the VCAT Act restricting access to the sensitive information.

This Practice Direction has effect from 1 January 2007.

IAN L GRAY
Chief Magistrate
22 December 2006