



VICTIMS OF CRIME ASSISTANCE TRIBUNAL

Chief Magistrate's Chambers
Melbourne Magistrates' Court

PRACTICE DIRECTION

NO. 7/2003

DEPENDENCY CLAIM

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

Pursuant to the *Victims of Crime Assistance Act 1996*, the Tribunal has jurisdiction to make an award for an amount that, but for the death of the primary victim, the related victim would have been likely to receive from the primary victim during a period of up to two years after that death ("dependency claim").

A related victim is eligible to claim up to a maximum of \$50,000. A dependency claim is one of a number of categories of assistance for which the Tribunal has jurisdiction to make an award.

Note: A related victim is only entitled to a dependency claim award *after* the victim has exhausted all other entitlements available including those available pursuant to Social Security, WorkCover and Transport Accident Commission legislation.

Documents required to be produced by those applying as related victims*

***NOTE** *The following list is a guide only. All claims should be supported by documentation which verifies the figures used to calculate the amount claimed.*

- (a) Advice in writing from the deceased primary victim's employer or, if the deceased was self-employed, a statement detailing gross pre-death earnings including particulars as to the basis upon which the pre-death earnings have been determined.
- (b) Tax returns of the applicant related victim and the deceased primary victim for:
 - 1. The 3 financial years before the death of the primary victim; and
 - 2. The financial years between the date of death and the end date of the period for which the dependency claim is made.
- (c) Documentation verifying:
 - 1. WorkCover payments;
 - 2. Transport Accident Commission payments;
 - 3. Social Security payments;
 - 4. All other payments;

received by the related victim or the deceased primary victim or to which the related or primary victim's estate is or may be entitled during the period for which the dependency claim is made.

- (d) Documentation verifying the assets and liabilities of the related victim applicant, the estate of the deceased primary victim and the distribution of the estate assets.
- (e) Documentation establishing the financial contributions made by the deceased primary victim to the applicant related victim for the 3 financial years before the death of the primary victim.
- (f) Documentation verifying the relationship between the applicant related victim and the primary deceased victim. ie. spouse, child, defacto relationship etc. Where appropriate, documentation verifying the nature of the relationship; for instance; length of relationship, financial arrangements, etc).
- (g) Any other documentation relevant to the dependency claim.

This Practice Direction has effect from 1 July 2003

**IAN LESLIE GRAY
CHIEF MAGISTRATE**

16 May 2003