



VICTIMS OF CRIME ASSISTANCE TRIBUNAL

Chief Magistrate's Chambers
Melbourne Magistrates' Court

PRACTICE DIRECTION

NO. 6/2003
LOSS OF EARNINGS

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

Pursuant to Section 17 of the *Victims of Crime Assistance Act* 1996, the Tribunal has jurisdiction to award loss of earnings entitlements to primary and secondary victims as a direct result of total or partial incapacity for work during a period of up to two years after the occurrence of the act of violence.

Loss of earnings calculations are made by reference to gross income figures.

Primary Victim : The Tribunal may pay up to \$20,000.00 for loss of earnings suffered, or likely to be suffered, during a period of up to 2 years after, and as a direct result of, the act of violence.

Secondary Victim : In exceptional circumstances, the Tribunal may pay up to \$20,000.00 for loss of earnings suffered, or reasonably likely to be suffered, as a direct result of witnessing, or becoming aware of, the act of violence and which loss occurred during a period of up to 2 years after the occurrence of the act of violence.

Note: A secondary victim is only entitled to loss of earnings in "exceptional circumstances".

Note: A primary or secondary victim is only entitled to a loss of earnings after exhausting 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 primary or secondary 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 victim's employer or, if self-employed, a statement detailing:
1. Number of days/weeks absent from work.
 2. Reason for period of absence.
 3. Gross loss and how amount is calculated including particulars of the basis upon which notional pre-injury earnings have been determined.

- (b) Medical report/certificate specifying the nature of illness or injury causing partial or total work incapacity and the duration of such incapacity.
- (c) Documentation verifying:
 - 1. WorkCover payments
 - 2. Transport Accident Commission payments.
 - 3. Social Security payments
 - 4. All other paymentsreceived by the victim or to which the victim is or may be entitled during the period for which the loss of earnings claim is made.
- (d) If self-employed tax returns for:
 - 1. The 3 financial years before the act of violence; and
 - 2. The financial years between the date of the act of violence and the end date of the period for which the loss of earnings claim is made.
- (e) Any other documentation relevant to the loss of earnings claim.

This Practice Direction has effect from 1 July 2003

IAN LESLIE GRAY
CHIEF MAGISTRATE

16 May 2003