



## Victims of Crime Assistance Tribunal

Chief Magistrate's Chambers  
Melbourne Magistrates' Court

### Practice Direction

No. 7 of 2008

## DIRECTIONS HEARINGS

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

#### **Purpose**

The purpose of this Practice Direction is to provide guidance as to when it is appropriate to conduct a directions hearing.

#### **When directions hearing may be held**

Directions hearings may be held at any time when the Tribunal considers it appropriate.

The circumstances in which a directions hearing may be held include, but are not limited to, the following:

- where the Tribunal has determined that a person with a legitimate and/or substantial interest (including an alleged offender) will or may be a party to the proceedings (see Practice Direction No. 4 of 2008);
- counsel assisting the Tribunal has been appointed;
- access is sought to classified documents (as per Practice Direction No. 9 of 2008) in a Tribunal file or access to a file is sought by a third party;
- an application has been made for an extension of time;
- there has been a delay or other deficiency in reporting the act of violence to the police;
- pecuniary loss or a dependency award is claimed;
- the Tribunal has been provided with adverse police material;
- the application does not appear to disclose a relevant offence within the meaning of section 3(1) of the *Victims of Crime Act 1996*; and
- the application is incomplete or deficient.

The Tribunal may hold a directions hearing on its own initiative or at the request of a practitioner.

Applicants who are legally represented need not attend a directions hearing unless required to do so by the Tribunal.

In appropriate circumstances, the Tribunal may make final orders at a directions hearing.

### **Information provided at a directions hearing**

The Tribunal may request the applicant or a person with a legitimate and/or substantial interest provide information at a directions hearing. The information that may be requested includes, but is not limited to, the following:

- the number of witnesses to be called;
- the estimated length of the hearing;
- the need, if any, for alternative arrangements for giving evidence, including use of the remote witness facility or video conferencing facility;
- details of documents to be exchanged or viewed;
- details of the facts in dispute between the parties;
- the need for interpreters; and
- any other information which may affect the conduct of the final hearing.

### **Revocation of previous Practice Direction**

This Practice Direction revokes Practice Direction 4/2003 (Directions Hearings).

### **Commencement**

This Guideline has effect from 1 January 2009.

**IAN L GRAY**

Chief Magistrate

11 December 2008