

## VOCAT variation legal costs application form

### When to use this form

The Financial Assistance Scheme (FAS) will pay reasonable legal costs incurred in representing victims with complex VOCAT variation applications.

Use this form if you are a lawyer seeking payment for legal costs incurred in assisting your client with their complex VOCAT variation application.

For the FAS to pay legal costs, lawyers must:

- have been listed as the victim's Authorised Representative
- have a practising certificate at the time of assisting the victim with their application, and
- provide reasons in this form explaining why the application should be considered complex.

The FAS will pay legal costs of up to \$330 for a complex variation application.

Before completing this form, ensure that you have submitted an application through the FAS online portal to transition your client's VOCAT application to the FAS. Access the portal at <https://fas.justice.vic.gov.au>.

If you have any queries about completing this form you can contact the FAS by phone.

FAS Helpline: 1800 161 136  
Marra Yattakunur Team: 1800 849 778

You can also submit an enquiry online using the Enquiry Form in the FAS Portal.



### Form Contents

**PART A:** Application details

**PART B:** Payment details

**PART C:** Outline of complexity factors

### Filling in this form

- This form can be completed and signed electronically using a PDF reader on your computer such as Adobe.
- Alternatively, you can print and complete the form using black or blue pen.
- Print using BLOCK LETTERS
- Tick the appropriate box where applicable
- Sign the form
- Attach copies of supporting documentation where requested (indicated with  and  symbols throughout)
- If you need to provide more information, you can attach additional pages.

Further information about the documentary evidence required can be found on page 8.

### Returning this form

Send the completed form to:

[financialassistancescheme@justice.vic.gov.au](mailto:financialassistancescheme@justice.vic.gov.au)

or

Financial Assistance Scheme  
PO Box 21060  
Little Lonsdale Street VIC 8011

### Privacy

The FAS collects personal information for the purpose of assessing your eligibility for assistance. The FAS will only disclose your personal information in accordance with the law.

More information on how the FAS handles your personal information can be found at [www.vic.gov.au/privacy-vicgovau](http://www.vic.gov.au/privacy-vicgovau) and [www.victimsofcrime.vic.gov.au/information-collection-notice](http://www.victimsofcrime.vic.gov.au/information-collection-notice).

# Part A: Application Details

## 1 Authorised representative's details

Given name(s)

Family name

Organisation

What type of organisation are you? E.g. Community Legal Centre

## 2 Applicant's name

Pronouns

(e.g. she/her, he/him, they/them, self-described (please specify))

Given name(s)

Family name

Preferred name

## 3 Date of birth

## 4 VOCAT Reference Number

## 5 FAS Transition Application Number (e.g. IA-0000002482)

# Part B: Payment Details

## 6 Bank details

Account name

BSB

Account number

Billing address

## Part C: Outline of complexity factors

**7** To be eligible for payment of legal costs, an application must meet at least one Complexity Factor as outlined in the FAS Guidelines.

**Which complexity factor(s) does the application meet? In your justification please refer to evidence provided in the application.**

Application is for a substantive variation

OR

Character considerations

Special circumstances for not reporting to, or assisting, police

Finding of not guilty in a court outcome in relation to the violent act supporting the application

Applicants who are suffering from trauma

Out of time applications

Applications with a significant number of related acts

Applications with multiple acts of violence and multiple injuries

Applications where the victim has complex injuries

Where the lawyer must source documentary evidence from third parties

Where the FAS has provided the victim with a notice of intention to refuse the application

Where the victim may face barriers or structural inequalities or disadvantages in accessing the FAS without legal representation

▶ Complete question 8

**8** Which barriers or structural inequalities are present?

Aboriginal and Torres Strait Islander peoples

Culturally and linguistically diverse communities

LGBTQIA+ communities

Children and young people

Older people

People who have recently arrived in Australia

Refugees and asylum seekers

People with low education levels or have difficulty reading and writing

Social exclusion (victims of crime that are marginalised or lack social support)

Disability or health issues, including mental health issues

People experiencing substance dependence or homelessness

People in State custody or mental health facilities

People who have limited access to technology or require support to access technology

9 Are you seeking legal costs above the legal cost schedule?

Yes

[▶ Complete questions 10 and 11](#)

No

10 What is the additional amount you are seeking?

11 Please provide an outline of the exceptional circumstances that required additional work to be done and a summary of the additional work performed

To be considered for payment above the set limits, you will need to provide an explanation of the exceptional circumstances that caused additional work to be undertaken.



Please provide any supporting documentation for why you are seeking legal costs above the legal costs schedule.

# Part L: Applicant acknowledgement

## Summary

For applicants applying on their own behalf, this acknowledgement confirms that you agree to the Victims of Crime Financial Assistance Scheme (FAS) collecting and disclosing your information to process your application. You are also acknowledging the information provided in the application is true and not false or misleading, that you may be required to repay assistance, and that you agree to keep the FAS up to date about changes in your circumstances. You are also agreeing to the Victims of Crime Assistance Tribunal (VOCAT) and Court Services Victoria (CSV) disclosing your personal and health information to the FAS.

For Authorised Representatives applying on behalf of a victim seeking assistance (the applicant), this acknowledgment confirms that the applicant agrees to the FAS collecting and disclosing their information to process their application. You and the applicant are also acknowledging the information provided in the application is true and not false or misleading, that the applicant may be required to repay assistance, and that you and the applicant agree to keep the FAS up to date about changes in the applicant's circumstances. The applicant is also agreeing to the Victims of Crime Assistance Tribunal (VOCAT) and Court Services Victoria (CSV) disclosing their personal and health information to the FAS.

You can contact the Victims of Crime Financial Assistance Scheme (FAS) Contact Centre if you have any questions before signing. If you have any concerns about signing, you should seek advice.

## Truth of the information supplied

I declare that the information I have provided in this application and attached documents is true and not misleading.

I acknowledge that it is an offence to provide false or misleading information in relation to an application under section 66 of the *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) (FAS Act) and it may impact the outcome of the application. I also acknowledge that it is an offence to obtain or attempt to obtain assistance fraudulently under section 65 of the FAS Act.

I also acknowledge that under sections 18 and 22 of the FAS Act, the applicant is required to disclose any relevant compensation, assistance, payment or entitlements from other schemes (see section "other schemes or assistance") received before lodging this application.

## Keeping the FAS up to date

I agree to disclose to the FAS any compensation, assistance or payment received from other schemes after lodging this application, including during the assessment period.

I agree to advise the FAS if my (or in the case of an Authorised Representative applying on the applicant's behalf, the applicant's) circumstances change or if I become aware of any matter that would make the information in this application form false or misleading.

## Repayments

I acknowledge that I (in the case of an applicant applying on their own behalf) or the applicant (in the case of an Authorised Representative applying on the applicant's behalf) may be required to repay any assistance under sections 37 and 50 of the FAS Act. Repayment could be required in circumstances including if I (in the case of an applicant applying on their own behalf) or the applicant (in the case of an Authorised Representative applying on the applicant's behalf) have/has received any damages, compensation, assistance or payments from another scheme that were not taken into account when determining the amount of assistance, if the amount of assistance is decreased on review or variation, or if interim assistance is paid but the application is later refused.

Continued on next page.

# Part L: Applicant acknowledgement cont.

## **Acknowledgement of collection notice and privacy policy for applicants submitting an application on their own behalf – Consent to disclosure of personal and health information**

I have read the [collection notice](#) and the Department of Justice and Community Safety's (DJCS) [privacy policy](#). I understand and consent to the FAS collecting and disclosing my information to the relevant authorities/persons/entities.

I understand that to process my application the FAS will need to provide my personal information to other organisations or request information about me from other organisations.

This will include requesting or accessing information from Court Services Victoria (CSV) about any previous Victims of Crime Assistance Tribunal (VOCAT) applications and Victoria Police about the violent act. It may also include requesting information from other organisations and entities (including other schemes that provide damages, compensation or financial assistance) to process my application and/or sharing information with the relevant authority if you have made a complaint. It may also include providing information to the Supreme Court of Victoria if my assistance is paid to Funds in Court to be held on trust.

I have also read the Website Privacy Statement on the VOCAT website at [Privacy | Victims of Crime Assistance Tribunal \(vocat.vic.gov.au\)](#). I have also read the Website Privacy Statement appearing on the website operated by CSV at [Privacy | Court Services Victoria](#). For the purposes of progressing my application to the FAS, I consent to VOCAT and CSV disclosing my personal or health information within VOCAT and CSV, to the FAS.

## **Acknowledgement of collection notice and privacy policy for Authorised Representatives submitting an application on the applicant's behalf – Consent to disclosure of personal and health information**

I have read the [collection notice](#) and Department of Justice and Community Safety's (DJCS) [privacy policy](#). I confirm that as an Authorised Representative for the applicant, that the applicant is aware of and has provided consent for me to provide this information to the FAS. I also confirm that the Applicant is aware of the terms of the collection notice and the DJCS privacy policy.

In particular, the applicant is aware that the FAS will collect this information and disclose their information to the relevant authorities/persons/entities as set out in the collection notice and the DJCS privacy policy.

The applicant is aware that to process their application the FAS will need to provide their personal information to other organisations or request information about them from other organisations. This will include requesting or accessing information from Court Services Victoria about any previous VOCAT applications and Victoria Police about the violent act. It may also include requesting information from other organisations and entities (including other schemes that provide damages, compensation or financial assistance) to process their application and/or sharing information with the relevant authority if they make a complaint. It may also include providing information to the Supreme Court of Victoria if their assistance is paid to Funds in Court to be held on trust.

I have also read the Website Privacy Statement on the VOCAT website at [Privacy | Victims of Crime Assistance Tribunal \(vocat.vic.gov.au\)](#). I have also read the Website Privacy Statement appearing on the website operated by CSV at [Privacy | Court Services Victoria](#). I confirm that as an Authorised Representative for the applicant, that the applicant is aware of and has provided consent to VOCAT and CSV disclosing their personal or health information within VOCAT and CSV to the FAS. The Applicant has authorised me to give this consent. I also confirm that the Applicant is aware of the terms of the VOCAT and CSV Website Privacy Statements and the terms of this acknowledgment.

**12** I confirm that I have read and agree to the terms above

Full name of Authorised Representative

Date

Signed