



Magistrates' Court
of Victoria

Practice Direction

No. 2 of 2010

**DETERMINATION OF AMOUNT OF DEPENDANT'S
COMPENSATION PURSUANT TO ACCIDENT
COMPENSATION ACT 1985**

Background

The Magistrates Court has been given increased jurisdiction to hear and determine claims for statutory benefits pursuant to the Accident Compensation Act 1985. Such jurisdiction includes claims for dependant's benefits resulting from the death of a worker, i.e. s.92 and s.92A of the Act.

The purpose of this Practice Direction is to prescribe the procedure for the determination of the amount of such entitlement in cases involving an unrepresented dependant, minor or other person under disability, where the amount of such compensation is agreed by the parties or is said to be a payment of the maximum entitlement.

Directions

1. Any application for the determination of entitlement to compensation pursuant to ss. 92(1)(a) and 92A(3)(a) in which the amount of compensation is agreed, or is said to be a payment of the maximum entitlement, shall be issued in the WorkCover List at the Magistrates Court at Melbourne. This will apply to all such applications irrespective of where the cause of action arose in Victoria
2. Such application shall be by way of a Form 20A (of the Magistrates' Court Civil Procedure Rules 2009) with a supporting affidavit, including details of the proposed trustee for any minor or other person under disability.
3. The supporting affidavit should exhibit any relevant Declaration of Trust in respect of a minor or other person under disability.
4. Any adult dependant should attend the hearing of such application either in person and/or be represented by a legal practitioner

5. Any proposed trustee for any minor or other person under disability should attend in person at the hearing of the application.
6. This Practice Direction operates immediately.

IAN L GRAY
Chief Magistrate
27 April 2010