

MEDICAL/PSYCHOLOGIST/PSYCHIATRIST REPORT WORKSHEET

Before assistance can be granted for a disbursement the practitioner must have formed the view that:

- The disbursement must be relevant to the position the aided person wishes to put to the court and not be fishing; **AND**
- The disbursement must necessarily and/or reasonably be required to maintain that position and cannot be achieved in some other way; **AND**
- The expenditure can be justified on a cost/benefit analysis.
- For a **not guilty plea** there is a *reasonable expectation* the report will *substantiate* a defence to the charges or raise an evidentiary issue (Reports for not guilty pleas are considered by VLA to be exceptionally rare).

FOR ALL REPORTS

Do you have a detailed history of your clients medical or personal circumstances? ☐ Yes ☐ No

Does this history support a reasonable expectation that a report will confirm the existence of an identifiable condition? ☐ Yes ☐ No

Is the report relevant to the position your client wishes to put to the court and is not speculative? ☐ Yes ☐ No

Have you formed the view from your client's medical, psychological or psychiatric state that the material *cannot be presented to the court* without obtaining the report? ☐ Yes ☐ No

Are there any other available sources for this information, such as previous reports, medical records, discharge summaries, mental health plans and the like? ☐ Yes ☐ No

If yes, what is the other information and why is a report required rather than relying on this material?

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The cost of the report must be balanced against the likely benefit that the expense of incurring the report may bring to the applicant. If a prudent self-funding litigant would not spend the money, it will not be reasonable to expect VLA to pay for it. Please detail your cost/benefit analysis:

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All efforts must be made to prevent the legal aid fund incurring avoidable costs by prudently identifying issues from the outset and selecting the most appropriate reports for the case. Have you considered which is the most appropriate report? ☐ Yes ☐ No

FOR PLEAS IN MITIGATION:

The report must *directly* relate to the proposed plea and there must be a *reasonable expectation* that it will provide *substantial exculpatory* material leading to a *significant reduction* in the sentence that might otherwise be expected. Is this the case? ☐ Yes ☐ No

Please indicate which of the below factors that will lead to a *significant sentence reduction* (note that the mere existence of a condition is not sufficient to support a recommendation):

1	The condition may reduce the moral culpability of the offending conduct so that it effects determination of the punishment;	☐ Yes ☐ No
2	The condition may have a bearing on the type of sentence imposed and the conditions in which it should be served;	☐ Yes ☐ No
3	The condition effected the mental capacity of the offender at the time of the offending or of sentencing such as to moderate general deterrence;	☐ Yes ☐ No
4	The effect of the condition at the time of offending or sentencing are sufficiently severe to warrant moderation of specific deterrence;	☐ Yes ☐ No
5	The existence of the condition at the date of sentence or a foreseeable recurrence may mean that the sentence may weigh more heavily on the offender than someone in normal health;	☐ Yes ☐ No
6	The circumstances of the offending or the offender raise the issue of protection of the community and a report is necessary to address the individual offender's risk of reoffending;	☐ Yes ☐ No
7	A report will support a submission that his sentence should be served in a youth justice facility;	☐ Yes ☐ No

Please provide details outlining the evidence which led you to conclude that there is a reasonable expectation that the material fulfilled any of the criteria in the above table:

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FOR EVIDENTIARY REPORTS:

For an evidentiary report: is there a *reasonable expectation* that the report will *substantiate* a defence to the charges on the grounds of mental impairment, or raise an evidentiary issue in relation to fitness to plead?

1	Not currently fit to plead?	☐ Yes ☐ No
2	Mentally impaired at the time of the conduct?	☐ Yes ☐ No
3	Both 1 and 2	☐ Yes ☐ No

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AUTHORITY TO OBTAIN ASSISTANCE:

Practitioner:

Managing Lawyer/Deputy Managing Lawyer:

Date: