

New Non-Judicial Types of Evidence That Can Be Used For Family Violence Claims

Types of Evidence

Section 5 of the new Instrument requires that a **minimum of two items of evidence**, listed in Schedule 1, must be submitted and they **must be different types** of evidence. The Schedule 1 table of types of evidence has been extracted below.

Type of Evidence	Items of Evidence	Information that Must be Included
<u>Medical</u>	Any of the following made by a medical practitioner, registered nurse or midwife who is acting in their professional capacity: <ul style="list-style-type: none"> (a) Medical report; (b) Hospital report; (c) Discharge summary; (d) Letter; (e) Statutory declaration. 	The item of evidence must: <ul style="list-style-type: none"> (a) Identify the alleged victim; and (b) Detail the injuries or treatment of the alleged victim that may be consistent with family violence.
<u>Police</u>	Any of the following made by a police officer who is acting in their professional capacity: <ul style="list-style-type: none"> (a) Report; (b) Record of assault or family violence; (c) Risk assessment; (d) <i>Witness statement</i>; (e) Statutory declaration. 	The item of evidence must: <ul style="list-style-type: none"> (a) Identify the alleged victim; and (b) Identify the alleged perpetrator or provide information from which the identity of the alleged perpetrator can reasonably be inferred; and
	A <i>witness statement</i> made by a person, other than the alleged victim, to a police officer during the course of a police investigation.	<ul style="list-style-type: none"> (c) Detail the incident(s) of family violence.
	Any of the following made by a child welfare officer who is acting in their professional capacity: <ul style="list-style-type: none"> (a) Report; (b) Letter; 	The item of evidence must: <ul style="list-style-type: none"> (a) Detail fears for the dependent child's safety due to family violence within the household; and

<p><u>Child Welfare Officer</u></p>	<p>(c) Statutory declaration.</p>	<p>(b) Identify the alleged perpetrator or provide information from which the identity of the alleged perpetrator can reasonably be inferred.</p>
<p><u>Family Violence Support Service Provider</u></p>	<p>Any of the following made by a family violence support service provider who is acting in their professional capacity:</p> <ul style="list-style-type: none"> (a) Report; (b) Letter; (c) Risk assessment; (d) Statutory declaration. 	<p>The item of evidence must:</p> <ul style="list-style-type: none"> (a) State that the alleged victim has made a claim of family violence; and (b) State in their professional opinion whether the claims of the alleged victim are consistent with them having been subject to family violence; and (c) Identify the alleged perpetrator or provide information from which the identity of the alleged perpetrator can reasonably be inferred.
<p><u>Social Worker</u></p>	<p>Any of the following made by a social worker who is acting in their professional capacity:</p> <ul style="list-style-type: none"> (a) Report; (b) Letter; (c) Statutory declaration. 	<p>The item of evidence must:</p> <ul style="list-style-type: none"> (a) State that the alleged victim has made a claim of family violence; and (b) State in their professional opinion whether the claims of the alleged victim are consistent with them having been subject to family violence; and (c) Identify the alleged perpetrator or provide information

		from which the identity of the alleged perpetrator can reasonably be inferred.
<u>Psychologist</u>	Any of the following made by a psychologist who is acting in their professional capacity: (a) Report; (b) Letter; (c) Statutory declaration.	The item of evidence must: (a) State that the alleged victim has made a claim of family violence; and (b) State in their professional opinion whether the claims of the alleged victim are consistent with them having been subject to family violence; and (c) Identify the alleged perpetrator or provide information from which the identity of the alleged perpetrator can reasonably be inferred.
<u>Family Consultant / Family Relationship Counsellor</u>	Any of the following made by a family consultant or a family relationship counsellor who is acting in their professional capacity: (a) Report; (b) Letter; (c) Statutory declaration.	The item of evidence must: (a) State that the alleged victim has been treated or counselled by the family consultant or family relationship counsellor; and (b) State in their professional opinion whether the claims of the alleged victim are consistent with them having been the subject to family violence; and (c) Identify the alleged perpetrator or

		<p>provide information from which the identity of the alleged perpetrator can reasonably be inferred.</p>
<p><u>Education Professional</u></p>	<p>Any of the following made by an education professional who is acting in their professional capacity:</p> <ul style="list-style-type: none"> (a) Report; (b) Letter; (c) Statutory declaration. 	<p>The item of evidence must:</p> <ul style="list-style-type: none"> (a) State that they have made, or been made aware of, observations that are consistent with the alleged victim’s claims of being subject to family violence; and (b) Provide details of those observations; and (c) Identify the alleged perpetrator or provide information from which the identity of the perpetrator can reasonably be inferred.

How Can Agape Henry Crux Assist

If you require any assistance in relation to **acquiring a visa as a victim of family violence**, please contact us.

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We speak fluent English, Korean, Japanese, Mandarin, and Malay. If this isn't your language, we can also help you arrange an interpreter.