



Victims of Crime Assistance Tribunal

**Chief Magistrate's Chambers
Melbourne Magistrates' Court**

Practice Direction

No. 6 of 2008

EXTENSION OF TIME FOR LODGEMENT OF APPLICATION

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

Purpose

The purpose of this Practice Direction is to specify the procedure to be followed when making an application to extend the time for lodging an application for assistance with the Victims of Crime Assistance Tribunal.

Background

Section 29 of the *Victims of Crime Assistance Act 1996* provides as follows:

29 *Time for making application*

- (1) An application must be made within 2 years after the occurrence of the act of violence or, in the case of an application by a related victim or a person who has incurred funeral expenses, within 2 years after the death of the primary victim.
- (2) The Tribunal must strike out an application made out of time unless it considers that, in the particular circumstances, the application ought not to be struck out.

Procedure for making an application for extension of time

An application for extension of time shall be made in writing by filing the attached application for extension of time form.

Such applications will generally be determined at the hearing of an application for assistance or at an earlier date if a tribunal member is satisfied that the application should be granted on the basis of material filed, or lists the application for an extension of time hearing.

Revocation of previous Practice Direction

This Practice Direction revokes Practice Direction 3/2003 (Extension of Time).

Commencement

This Practice Direction has effect from 1 January 2009.

IAN L GRAY

Chief Magistrate

11 December 2008

Our Ref:

Your Ref:

APPLICATION FOR EXTENSION OF TIME

Victims of Crime Assistance Act 1996, Section 29

APPLICANT DETAILS:

Name:

Address:

PERSON COMPLETING THIS APPLICATION:

(Complete only if different to applicant)

Name:

Address:

Relationship to applicant:

APPLICATION:

1. I hereby make application for leave to lodge an application for assistance. I acknowledge that the act of violence took place more than two years ago. My reasons for not filing my application within the two year limit are as follows: *(Please attach additional material if required)*

2. I have attached supporting documentation Yes ☐ No ☐
If yes, provide details:

3. I acknowledge that all supporting material I wish to rely upon in relation to this application for extension of time has been filed with the Tribunal.

4. I wish this application for extension of time to be decided without appearing before the Tribunal. Yes ☐ No ☐

**THIS FORM MUST BE DECLARED BEFORE AN AUTHORISED PERSON FOR TAKING
STATUTORY DECLARATIONS**

STATUTORY DECLARATION

I (name) _____

Of (address) _____

Do solemnly declare that the contents of this application are true and correct in every particular and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Act of Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED AT: _____

ON: _____

SIGNATURE OF APPLICANT: _____

BEFORE ME: _____

TITLE: _____

ADDRESS: _____

NOTE:

The Tribunal must strike out an application made out of time unless it considers that, in the circumstances, the application ought not to be struck out.

In determining whether to accept an application made out of time, the Tribunal will have regard to:

- the applicant's age at the time of the criminal act;
- whether the applicant is intellectually disabled or mentally ill;
- whether the person who is alleged to have committed the act was in a position of trust, influence or power in relation to the applicant;
- the physical or psychological effect of the act upon the applicant;
- whether the delay in making the application would cause the Tribunal any difficulties in making a fair decision;
- whether the applicant was a child at the time of the act and if so, whether the application is made within a reasonable time after reaching 18 years of age;
- all other relevant circumstances.

ANY APPLICATION FOR EXTENSION OF TIME WILL BE STRUCK OUT IF THE **ONLY** GROUNDS ARE THAT THE APPLICANT WAS NOT AWARE OF HIS/HER RIGHT TO APPLY UNDER THIS ACT OR ANY PRECEDING ACT.