



District Court Amendment (Victims Support and Rehabilitation) Rule 2004

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 15 June 2004.

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Secretary of the Rule Committee

Explanatory note

The object of this Rule is to repeal and remake Division 7A of Part 6 of the *District Court Rules 1973* to reflect the renaming of the *Victims Compensation Act 1996* as the *Victims Support and Rehabilitation Act 1996* and certain procedural requirements of the renamed Act concerning appeals to the Court.

2004 No 474

Clause 1 District Court Amendment (Victims Support and Rehabilitation) Rule 2004

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District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Victims Support and Rehabilitation) Rule 2004*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Part 6, Division 7A

Omit the Division. Insert instead:

Division 7A Appeals under section 39 of the Victims Support and Rehabilitation Act 1996

60A Interpretation

In this Division:

appeal means appeal under section 39 of the Victims Act.

application for leave means application for the leave of the District Court under section 39 (1) of the Victims Act to institute an appeal.

Tribunal means the Victims Compensation Tribunal constituted under section 59 of the Victims Act.

Victims Act means the *Victims Support and Rehabilitation Act 1996*.

60B Venue

Subject to any order made under section 40 of the Act, an application for leave and an appeal may be heard and determined at any proclaimed place.

60C Application for leave

- (1) An application for leave must be made by notice of motion under Part 16.
- (2) An application for leave must be filed and served within:
 - (a) the period specified in section 39 (2) (a) of the Victims Act, or
 - (b) such further time as the Court may allow under section 39 (2) (b) of the Victims Act.
- (3) An application to allow further time to appeal under section 39 (2) (b) of the Victims Act must be made by notice of motion under Part 16.

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Schedule 1 Amendment

- (4) An application for leave must include or be accompanied by a statement identifying the determination sought to be appealed against, a statement of the question of law on which it is sought to appeal and the grounds of the proposed appeal.
- (5) The respondent to a motion referred to in subrule (1) or (3) is the Victims Compensation Fund Corporation constituted under section 66 of the Victims Act.
- (6) The applicant must, as soon as practicable after filing a notice of motion referred to in subrule (1) or (3), deliver a copy of the notice of motion and any document accompanying it as required by subrule (4) to the Registrar of the Tribunal.

60D Tribunal record

The Registrar of the Tribunal must, as soon as practicable after delivery of a copy of a notice of motion under rule 60C (6), forward to the registrar of the District Court at the proclaimed place at which the appeal is to be heard the record of the proceedings in the Tribunal leading to the determination sought to be appealed against.

60E Appeal

If the Court grants leave to institute an appeal, it may give directions as to the extent, if any, to which matter which was before it, and decisions made by it, on the application for leave are admissible or binding on the hearing of the appeal, and may:

- (a) proceed immediately to hear and determine the appeal, or
- (b) give such directions as to filing and service of documents, conferences, fixing of a hearing date, and any other matter as appear requisite for the hearing and determination of the appeal.

BY AUTHORITY
