

NORTHERN TERRITORY OF AUSTRALIA
CRIMES (VICTIMS ASSISTANCE) RULES

As in force at 1 March 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Rules as in force at 1 March 2011. Any amendments that commence after that date are not included.

CRIMES (VICTIMS ASSISTANCE) RULES

Rules under the *Local Court Act*

1 Citation

These Rules may be cited as the *Crimes (Victims Assistance) Rules*.

2 Commencement

These Rules come into operation on 1 November 2002.

3 Application of Rules

- (1) These Rules apply to every proceeding commenced by an application under section 5 of the Act lodged at the Local Court on or after 1 November 2002.
- (2) Subject to subrule (3) and unless the Court orders otherwise, these Rules apply (with the necessary modifications) to a proceeding commenced by an application made under section 5 of the Act lodged at the Local Court before 1 November 2002.
- (3) If, in a proceeding commenced before 1 November 2002, the offender is served with an application made under section 5 of the Act, the rules and practice directions in force immediately before 1 November 2002:
 - (a) that confer rights and impose obligations on the offender; or
 - (b) that impose obligations on the applicant or the Territory in relation to the offender,

continue to apply in relation to that proceeding unless the Court orders otherwise.

4 Interpretation

- (1) In these Rules, unless the contrary intention appears:

applicant, in relation to a proceeding in which there is more than one applicant, means each applicant.

Court means the person exercising the jurisdiction of the Local Court under the Act.

Judicial Registrar means a Judicial Registrar or an acting Judicial Registrar of the Local Court.

Registrar means a Registrar, Deputy Registrar or Acting Registrar of the Local Court.

teleconferencing includes the use of telephone, computer or video equipment.

the Act means the *Crimes (Victims Assistance) Act*.

- (2) A reference in these Rules to a form by number is a reference to the form of that number in the Schedule.
- (3) Where these Rules permit or require a party to do an act, the act may be done by a legal practitioner or other person representing the party in a proceeding.
- (4) Where the Act or these Rules require a form or document to be filed, it is to be filed by lodging it at the Local Court.

5 Procedure wanting or in doubt

If the manner or form of the procedure:

- (a) for commencing or taking a step in a proceeding; or
- (b) by which the jurisdiction, power or authority of the Court is to be exercised,

is not prescribed by these Rules or by or under an Act, the Court may adopt and apply (with the necessary modifications) the relevant rules and forms observed and used under the *Local Court Rules*.

6 Compliance with Rules

The Court may dispense with compliance with these Rules before or after the occasion for compliance arises.

7 Judicial Registrar may refer application to magistrate

A Judicial Registrar may refer an application to a magistrate for determination if the Judicial Registrar considers it appropriate to do so.

8 Jurisdiction of Registrar

- (1) A Registrar may exercise the jurisdiction of the Local Court subject to these Rules and the directions of the Chief Magistrate and Judicial Registrar.
- (2) A Registrar must not:
 - (a) hear and determine an application for an assistance certificate;
 - (b) strike out an application for an assistance certificate; or
 - (c) hear and determine an application for an extension of the period within which an application for an assistance certificate may be made.

9 Form and filing of application for assistance certificate

- (1) An application:
 - (a) under section 5(1) of the Act is to be in accordance with Form 9A;
 - (b) under section 5(2) of the Act is to be in accordance with Form 9B; and
 - (c) under section 5(2A) of the Act is to be in accordance with Form 9C.
- (2) If an applicant files an application for an assistance certificate after the expiry of the period allowed by section 5(1), (2) or (2A) of the Act (as applicable) for the making of the application, the applicant must endorse the relevant form with a statement that he or she is seeking an extension of that period.
- (3) The applicant must file sufficient copies of the application to allow for service on the Territory and proof of service.

10 Form and filing of application for extension of time

- (1) An applicant to whom rule 9(2) applies must file with the application for an assistance certificate:
 - (a) an application for an extension of the period for the making of the application for an assistance certificate; and
 - (b) an affidavit stating the reasons for the delay in making the application for an assistance certificate.
- (2) An application under this rule is to be in accordance with Form 10.
- (3) An applicant must file sufficient copies of the application to allow for service on the Territory and proof of service.

11 Fixing date for mention etc.

- (1) On the filing of an application for an assistance certificate, a Registrar must fix a date and time for a mention of the proceeding and mark them on each copy of the application.
- (2) The date fixed for the mention is to be 8 weeks after the date on which the application for an assistance certificate is filed or as soon as practicable after that date.
- (3) On the filing of an application for an extension of the period for the making of the application for an assistance certificate, a Registrar must fix a date and time for the hearing of the application and mark them on each copy of the application.

12 Service of application for extension of time and authorities

When an application for an assistance certificate is served on the Solicitor for the Northern Territory under section 6 of the Act, the following are also to be served:

- (a) an application for an extension of the period for the making of the application for an assistance certificate and a supporting affidavit (if applicable);
- (b) an authorisation in accordance with Form 12A, signed by the applicant and directed to each medical practitioner, institution or person who is providing (or has provided) treatment in relation to the victim's injury, to release to the Solicitor for the Northern Territory or its agent, for inspection, records in the possession, custody or power of the medical practitioner, institution or person that relate to the injury and to provide copies of those records;

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- (c) an authorisation in accordance with Form 12B, signed by the applicant and directed to the Commissioner of Police, to release to the Solicitor for the Northern Territory or its agent:
 - (i) copies of statements (including statements recorded on an audio or video tape) made by the victim to the Police that relate to the offence or the victim's injury; and
 - (ii) any other document or thing in the possession of the Police relating to the offence or injury.

13 Proof of service

As soon as practicable after an application and any other document is served under section 6 of the Act and rule 12, the applicant must file an affidavit of service in accordance with Form 13.

14 Directions relating to service

The Court may give directions relating to the manner of service of any document that is required or permitted to be served under the Act or these Rules and may extend the time for service.

15 Territory to file and serve notice of appearance

Not later than 7 days after being served with an application for an assistance certificate, the Territory must file a notice of appearance in accordance with Form 15 and serve a copy of the notice on the applicant.

16 Documents in support of application

- (1) The applicant must serve a copy of the following documents on the Territory not later than 7 days before the date fixed for the mention of the proceeding:
 - (a) an affidavit or statutory declaration in support of the application for an assistance certificate;
 - (b) in relation to the offence referred to in the application for an assistance certificate:
 - (i) if the offender has been convicted of the offence – the certificate of conviction; or
 - (ii) if the offender has not been convicted of the offence – written advice from the Police as to the current state of the investigation or prosecution;

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- (c) medical reports and any other reports in the applicant's possession relating to the victim's injury and on which the applicant intends to rely at the hearing of the proceeding;
 - (d) documents supporting amounts claimed for any expense incurred or any financial loss suffered, including loss of earnings and loss of clothing (as applicable).
- (2) The applicant must file the documents referred to in subrule (1) before a date is fixed for the hearing of the proceeding.
 - (3) If, after the mention of the proceeding, a report relevant to the victim's injury comes into the applicant's possession and the applicant intends to rely on the report at the hearing of the proceeding, the applicant must:
 - (a) serve a copy of the report on the Territory not later than 7 days after it comes into his or her possession; and
 - (b) file a copy of the report before a date is fixed for the hearing of the proceeding.

17 Mention and prehearing conference

- (1) At the mention of the proceeding, the Court may make the orders it considers appropriate, including an order for the parties to attend a prehearing conference.
- (2) If the applicant or the Territory (having been served with the application) fails to appear before the Court at the mention of the proceeding, the Court must fix a time and date for a prehearing conference and notify the parties accordingly.
- (3) At any time during a proceeding a Registrar may fix a time and date for a prehearing conference and notify the parties accordingly.

18 Attendance at prehearing conference

- (1) The attendance of a party at a prehearing conference is to be:
 - (a) in person;
 - (b) by a legal practitioner who is fully instructed on the conduct of the proceeding and the possibilities of settlement; or
 - (c) with the leave of the Court, by some other person.
- (2) A party may, with the leave of the Court obtained under rule 19, attend a prehearing conference by teleconferencing if physical attendance is impracticable.

19 Attendance by teleconferencing

- (1) A party who wishes to attend a prehearing conference by teleconferencing must seek the leave of the Court not later than 24 hours before the time fixed for the conference.
- (2) Leave may be granted informally by telephone and without notice to the other party.
- (3) The Court may direct a party attending a prehearing conference by teleconferencing to pay part of the costs in connection with the use of the teleconferencing facilities.

20 Procedure at prehearing conference

- (1) At a prehearing conference:
 - (a) the applicant must, as far as practicable, be in a position to indicate the precise extent, and all the particulars, of the application;
 - (b) the Territory must be in a position to specify any matters of contributory conduct and any other relevant matters within the meaning of section 10 of the Act that it intends to raise at the hearing of the proceeding;
 - (c) the parties must be prepared to answer questions put by the Court concerning the application; and
 - (d) each party must be in a position to respond properly to an offer made by another party in respect of the amount of assistance to be specified in an assistance certificate.
- (2) At a prehearing conference, subject to rule 8, the Court may do any of the following things:
 - (a) give the directions it considers necessary for the expeditious determination of the proceeding;
 - (b) determine an application for an extension of time in which to apply to the Court for an assistance certificate;
 - (c) of its own motion or on application by a party:
 - (i) adjourn the prehearing conference to a later date;
 - (ii) fix a date for the hearing of the proceeding;
 - (iii) fix a date after which a party may apply for a formal determination of the proceeding;

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- (iv) if the application for an assistance certificate is made in pursuance of section 5(2A) of the Act – make an order for service of the application on another person in pursuance of section 8(4) of the Act;
 - (v) issue an assistance certificate in pursuance of section 10A of the Act; or
 - (vi) make the orders it considers necessary relating to the exchange of the reports of persons, in their capacity as experts, on which the parties intend to rely at the hearing of the proceeding;
- (d) make an order referred to in section 16 of the Act for an adjournment of the proceeding;
 - (e) on application by the Territory, make an order that the application be stayed if the applicant unreasonably refuses to submit to an examination by a medical expert chosen by the Territory.
- (3) For the purposes of (but without limiting) subrule (2)(a), directions given by the Court may relate to any of the following matters:
- (a) the facilitating of an agreement between the parties;
 - (b) the service of documents;
 - (c) the settling of issues for the hearing of the proceeding;
 - (d) particulars to be provided in relation to the application;
 - (e) the calling of witnesses and the giving of evidence;
 - (f) the admission into evidence of facts or documents;
 - (g) expediting further prehearing conferences.

21 Failure to attend prehearing conference

If a party fails:

- (a) to attend a prehearing conference after receiving notice to attend;
- (b) to prepare adequately for a prehearing conference; or
- (c) to comply with a direction or order made under rule 20,

the Court may make the orders it considers appropriate, including any of the following:

- (d) an order adjourning the prehearing conference to a later date;
- (e) in the case of failure by the applicant – an order striking out the application;
- (f) in the case of failure by the Territory – an order adjourning the prehearing conference to a later date or an order fixing a date for the hearing of the proceeding.

22 Notice of adjourned hearing

A notice served in pursuance of section 8(4) of the Act is to be in accordance with Form 22.

23 Consent agreement

For the purpose of satisfying the Court under section 10A(1) of the Act that the parties agree on the amount of assistance to be specified in an assistance certificate, the parties must sign a consent agreement in accordance with Form 23 and file the signed agreement.

24 Offer to pay amount of assistance

- (1) For the purposes of section 10A(3) of the Act, the Territory must serve on the applicant any document offering to pay an amount of assistance and the applicant must, not later than 14 days after service of the offer, serve on the Territory an acceptance or a rejection of that offer.
- (2) A copy of each document served under subrule (1) is to be placed in a sealed envelope and filed not later than 7 days after the date of service.
- (3) The envelope referred to in subrule (2) is to be marked with the title of the proceeding, the name of the party filing the document and a statement that the envelope contains a document served under this rule.
- (4) No document filed in the Court is to contain a statement that an offer has been made to pay an amount of assistance.
- (5) If the applicant rejects an offer to pay an amount of assistance, no communication about that offer is to be made to the Court at the hearing of the application until after the Court has determined the application.

25 Assistance certificate

An assistance certificate issued under section 8 of the Act is to be in accordance with Form 25.

26 Repeal

The *Local Court (Crimes (Victims Assistance)) Rules* (Regulations No. 17 of 1992) are repealed.

Schedule Forms

rule 4(2)

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 9A

section 5(1)
rule 9(1)(a)

**APPLICATION FOR ASSISTANCE CERTIFICATE
IN RESPECT OF INJURY**

IN THE LOCAL COURT
AT [VENUE]

Application No:

BETWEEN

[FULL NAME]

Applicant

AND

THE TERRITORY

Respondent

TO THE COURT

This application is made * by the victim / on behalf of the victim * for an assistance certificate in respect of the injury suffered by the victim as a result of an offence.

DETAILS OF APPLICATION

1. PARTICULARS OF VICTIM

Full name:

Date of birth:

Address:

If the application is made on behalf of the victim, state the relationship of the applicant to the victim: (*see note 1*)

2. PARTICULARS OF OFFENCE

Time and date:

Location:

What happened (*brief details*):

3. PARTICULARS OF OFFENDER (*if known*) (*see note 2*)

Full name:

Date of birth:

Address:

4. REPORT TO POLICE (*see note 3*)

Time and date:

Place where report made:

Person to whom report made (*if known*):

5. COURT PROCEEDINGS (*see note 4*)

6. INJURIES SUFFERED AND CONTINUING DISABILITIES (*brief details*)

7. EXPENSES AND FINANCIAL LOSS INCURRED

TOTAL: \$

Made up of the following amounts: (*see note 5*)

8. EXTENSION OF TIME (*see note 6*)

* I am seeking an extension of the period allowed by the Act for the making of this application.

Signed: (*see note 7*)

Date filed:

* Delete if inapplicable.

NOTICE TO PARTIES
(To be completed by Registrar)

This proceeding has been listed for mention at the Local Court at (place)
at a.m./p.m. on 20 .

You may attend the Court personally or by your legal practitioner or, with the leave of the Court, by some other person.

At the mention of this proceeding, the Court may make the orders it considers appropriate, including an order for the parties to attend a prehearing conference.

Registrar

This application for an assistance certificate is filed:

* by the victim (who is the applicant) in person.

* for the victim by the applicant whose details are:

address:

telephone number:

facsimile number:

* for the applicant by the applicant's legal practitioner whose details are:

name:

name of firm:

business address:

telephone number:

facsimile number:

The address for service of the applicant is – (see note 8)

The address of the respondent for service of this application is at the Office of the Solicitor for the Northern Territory, as follows: (see note 9)

(a) for personal service – 1st Floor Safety House, 45 Mitchell Street, Darwin NT;

(b) for service by post – GPO Box 1722, Darwin NT;

(c) for service by facsimile transmission – telephone number 8999 7066.

* Delete if inapplicable.

NOTES TO APPLICANT ABOUT FORM 9A

1. If the victim is an infant, or the Court is satisfied that because of injury, disease or mental infirmity the victim is not capable of managing his or her affairs, another person may apply for an assistance certificate in respect of the injury suffered by the victim. The Court must be satisfied that the applicant is a suitable person to represent the interests of the victim (section 5(1) of the Act).
2. If there is more than one offender, enter the particulars of each offender (if known).
3. The Court will not issue an assistance certificate if the commission of the offence was not reported to the Police within a reasonable time after its commission, or not reported before the date when the Court considers issuing the assistance certificate, unless the Court is satisfied that circumstances existed which prevented the reporting (section 12(b) and (ba) of the Act).
4. List criminal proceedings relating to this matter and any civil proceedings against the offender brought by the victim.
5. See section 9 of the Act for amounts that may be claimed. Expenses may include medical, hospital, dental, chemist, fees for medical and other similar reports. Later in the proceeding, you will need to have proof of these amounts by producing accounts for payment etc. You will also need to have proof of financial loss as a result of incapacity for work, i.e. the name and address of the employer, the period of absence from work, the gross and net loss of income etc. Under section 9(j) of the Act, payment may be made for loss or damage to clothing only if it was worn when the injury occurred. See rule 16 of the *Crimes (Victims Assistance) Rules* for the documents you must serve and file in support of your claim and the relevant time limits for doing so.

Under section 13 of the Act, the Court must have regard to amounts recoverable from other sources, e.g. sick pay, Medicare, private health insurance, work health/workers' compensation, sickness or unemployment benefits, accident insurance, court proceedings.
6. Section 5(1) of the Act allows you 12 months from the date of the offence to file this application. Section 5(3) of the Act enables the Court to extend that time. If you require an extension of time, you must file with this form an application in accordance with Form 10 and an affidavit giving the reasons for the delay in making this application.
7. The form is to be signed by you or your legal practitioner.
8. This is the address where all documents in this proceeding are to be served on you.
9. Section 6(1) of the Act states you must serve a copy of this application on the Solicitor for the Northern Territory not later than 7 days after it is filed at the Court. Section 6(2) of the Act enables you to serve the application by post, facsimile transmission or personal service. You must file an affidavit of service in accordance with Form 13.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 9B

section 5(2)
rule 9(1)(b)

**APPLICATION FOR ASSISTANCE CERTIFICATE
IN RESPECT OF FINANCIAL LOSS SUFFERED
BY DEPENDANTS OF DECEASED VICTIM**

IN THE LOCAL COURT
AT [VENUE]

Application No:

BETWEEN

[FULL NAME]

Applicant

AND

THE TERRITORY

Respondent

TO THE COURT

This application is made to the Local Court for an assistance certificate in respect of the financial loss suffered by the dependants of the deceased victim who died as a result of an offence.

DETAILS OF APPLICATION

1. APPLICANT'S RELATIONSHIP WITH DEPENDANTS (*see note 1*)

2. PARTICULARS OF DEPENDANTS (*list all dependants*)

Full name

Age

Relationship to victim

3. PARTICULARS OF DECEASED VICTIM (*see note 2*)

Family name:

Given names:

Date of death:

Place of death:

Age at date of death:

4. PARTICULARS OF OFFENCE

Time and date:

Location:

What happened (*brief details*):

5. PARTICULARS OF OFFENDER (*if known*) (*see note 3*)

Full name:

Date of birth:

Address:

6. REPORT TO POLICE (*see note 4*)

Time and date:

Place where report made:

Person to whom report made (*if known*):

7. COURT PROCEEDINGS (*see note 5*)

8. EXPENSES AND FINANCIAL LOSS INCURRED

TOTAL: \$

Made up of the following amounts: (*see note 6*)

9. AMOUNTS RECEIVED/RECEIVABLE BY DEPENDANTS (*see note 7*)

10. EXTENSION OF TIME (*see note 8*)

* I am seeking an extension of the period allowed by the Act for the making of this application.

Signed: (*See note 9*)

Date filed:

NOTES TO APPLICANT ABOUT FORM 9B

1. The Court must be satisfied that the applicant is a suitable person to represent the interests of the dependants (section 5(2) of the Act).
2. The Court may require proof of the death of the deceased, the relationship between the applicant and the deceased and, where appropriate, the age of the deceased, e.g. death certificate, marriage certificate, birth certificate.
3. If there is more than one offender, enter the particulars of each offender (if known).
4. The Court will not issue an assistance certificate if the commission of the offence was not reported to the Police within a reasonable time after its commission, or not reported before the date when the Court considers issuing the assistance certificate, unless the Court is satisfied that circumstances existed which prevented the reporting (section 12(b) and (ba) of the Act).
5. List criminal proceedings relating to this matter and any civil proceedings against the offender brought by the victim.
6. Section 9(c) of the Act allows a claim for pecuniary loss to the dependants. List these losses separately if more than one type of loss. Later in the proceeding, you will need to have proof of these losses. See rule 16 of the *Crimes (Victims Assistance) Rules* for the documents you must serve and file in support of your claim and the relevant time limits for doing so.
7. Under section 13 of the Act, the Court must have regard to amounts recoverable from other sources, e.g. social welfare payments, superannuation payouts, work health/workers' compensation, insurance policies.
8. Section 5(2) of the Act allows you 12 months from the date of the offence to file this application. Section 5(3) of the Act enables the Court to extend that time. If you require an extension of time, you must file with this form an application in accordance with Form 10 and an affidavit giving the reasons for the delay in making this application.
9. The form is to be signed by you or your legal practitioner.
10. This is the address at where all documents in this proceeding are to be served on you.
11. Section 6(1) of the Act states you must serve a copy of this application on the Solicitor for the Northern Territory not later than 7 days after it is filed at the Court. Section 6(2) of the Act enables you to serve the application by post, facsimile transmission or personal service. You must file an affidavit of service in accordance with Form 13.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 9C

section 5(2A)
rule 9(1)(c)

**APPLICATION FOR ASSISTANCE CERTIFICATE IN RESPECT OF GRIEF
SUFFERED AS A RESULT OF DEATH OF VICTIM**

IN THE LOCAL COURT
AT [VENUE] Application No:

BETWEEN

[FULL NAME] Applicant

AND

THE TERRITORY Respondent

TO THE COURT

This application is made to the Local Court for an assistance certificate in respect of the grief suffered as a result of the death of a victim as a result of an injury.

DETAILS OF APPLICATION

1. APPLICANT'S RELATIONSHIP WITH DECEASED VICTIM (*see note 1*)

2. OTHER PEOPLE ENTITLED TO BRING APPLICATION (*see note 2*)

| Full name | Age | Relationship to victim |
|-----------|-----|------------------------|
|-----------|-----|------------------------|

3. PARTICULARS OF DECEASED VICTIM

Family name:

Given names:

Date of death:

Place of death:

Age at date of death:

4. PARTICULARS OF OFFENCE

Time and date:

Location:

What happened (*brief details*):

5. PARTICULARS OF OFFENDER (*if known*) (*see note 3*)

Full name:

Date of birth:

Address:

6. REPORT TO POLICE (*see note 4*)

Time and date:

Place where report made:

Person to whom report made (*if known*):

7. COURT PROCEEDINGS (*see note 5*)

8. EXTENSION OF TIME (*see note 6*)

* I am seeking an extension of the period allowed by the Act for the making of this application.

Signed: (*see note 7*)

Date filed:

NOTICE TO PARTIES
(*To be completed by Registrar*)

This proceeding has been listed for mention at the Local Court at (*place*)

at a.m./p.m. on 20 .

You may attend the Court personally or by your legal practitioner or, with the leave of the Court, by some other person.

At the mention of this proceeding, the Court may make the orders it considers appropriate, including an order for the parties to attend a prehearing conference.

Registrar

This application for an assistance certificate is filed:

* by the applicant in person whose details are:

address:

telephone number:

facsimile number:

* for the applicant by the applicant's legal practitioner whose details are:

name:

name of firm:

business address:

telephone number:

facsimile number:

The address for service of the applicant is: (*see note 8*)

The address of the respondent for service of this application is at the Office of the Solicitor for the Northern Territory, as follows: (*see note 9*)

(a) for personal service – 1st Floor Safety House, 45 Mitchell Street, Darwin NT;

(b) for service by post – GPO Box 1722, Darwin NT;

(c) for service by facsimile transmission – telephone number 8999 7066.

* Delete if inapplicable.

NOTES TO APPLICANT ABOUT FORM 9C

1. Only the widow, widower or de facto partner of a deceased victim, or parents of a deceased victim under the age of 18 years, are entitled to make this application (section 5(2A) of the Act).
2. Under section 8 of the Act, the Court may adjourn an application to make sure all possible applications have been made. The maximum amount payable (\$3,000) is to be distributed between all applicants.
3. If there is more than one offender, enter the particulars of each offender (if known).
4. The Court will not issue an assistance certificate if the commission of the offence was not reported to the Police within a reasonable time after its commission, or not reported before the date when the Court considers issuing the assistance certificate, unless the Court is satisfied that circumstances existed which prevented the reporting (section 12(b) and (ba) of the Act).
5. List criminal proceedings relating to this matter and any civil proceedings against the offender brought by the victim.
6. Section 5(2A) of the Act allows you 12 months from the date of the offence to file this application. Section 5(3) of the Act enables the Court to extend that time. If you require an extension of time, you must file with this form an application in accordance with Form 10 and an affidavit giving the reasons for the delay in making this application.
7. The form is to be signed by you or your legal practitioner.
8. This is the address where all documents in this proceeding are to be served on you.
9. Section 6(1) of the Act states you must serve a copy of this application on the Solicitor for the Northern Territory not later than 7 days after it is filed at the Court. Section 6(2) of the Act enables you to serve the application by post, facsimile transmission or personal service. You must file an affidavit of service in accordance with Form 13.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 10

section 5(3)
rule 10(2)

**APPLICATION FOR EXTENSION OF TIME IN WHICH TO APPLY FOR
ASSISTANCE CERTIFICATE**

[Heading as in Form 9A, 9B or 9C as applicable]

I,
(full name)

of
(address)

apply for an extension of time in which to apply for an assistance certificate under section *5(1) *5(2) *5(2A) of the *Crimes (Victims Assistance) Act*. (see note 1)

The offence in relation to which this application is made was committed on (enter date)

Signed: (see note 2)

Date filed:

This application has been listed for hearing at the Court at (place)

at a.m./p.m. on 20 , or so soon
after as the business of the Court allows.

Registrar

This application for an extension of time is filed by: (see note 3)

* Delete if inapplicable.

NOTES TO APPLICANT ABOUT FORM 10

1. You must file this application with Form 9A, 9B or 9C (as applicable) and an affidavit stating the reasons for the delay in applying for an assistance certificate.
2. The form is to be signed by you or your legal practitioner.
3. Enter name, address and contact details of person filing the application.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 12A

rule 12(b)

AUTHORISATION TO RELEASE RECORDS

[Heading as in Form 9A, 9B or 9C as applicable]

To:

*I, [*name of applicant*] of [*address*], the applicant in the proceeding referred to above, authorise you to release to the Solicitor for the Northern Territory or its agent, for inspection, the records in your possession, custody or power that relate to the injury suffered by *me/[*name of victim*] as a result of an offence committed on [*date*] and I authorise you to provide the Solicitor for the Northern Territory or its agent with copies of those records.

Dated:

Signed:

* Delete if inapplicable.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 12B

rule 12(c)

**AUTHORISATION TO RELEASE STATEMENTS
AND OTHER THINGS**

[Heading as in Form 9A, 9B or 9C as applicable]

To: The Commissioner of Police, Northern Territory.

*I, [*name of applicant*] of [*address*], the applicant in the proceeding referred to above, authorise you to release to the Solicitor for the Northern Territory or its agent:

- (a) the statements (including statements recorded on an audio or video tape) made by * me/*[name of victim]* * relating to the offence committed on [*date*] or to * my/the victim's * injury as a result of that offence; and
- (b) any other document or thing in the possession of the Police relating to the offence or * my/the victim's * injury.

Dated:

Signed:

* Delete if inapplicable.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 13

rule 13

AFFIDAVIT OF SERVICE

[Heading as in Form 9A, 9B or 9C as applicable]

NAME OF DEPONENT:

DATE AFFIDAVIT MADE:

I,
(full name)
of
(address)

make oath and say that:

at (time) on (day) (month) (year)

I served the following documents on the Solicitor for the Northern Territory, copies of which are attached to this affidavit:

- * an application for an assistance certificate made under section 5 of the *Crimes (Victims Assistance) Act*.
- * authorisation(s) to release records.
- * an authorisation to release statements and other things.
- * an application for an extension of time in which to apply for an assistance certificate.
- * an affidavit in support of the application for an extension of time.

Service was effected:

- * by handing it to a person, apparently authorised to accept service, at the Office of the Solicitor for the Northern Territory, 1st Floor Safety House, 45 Mitchell Street, Darwin NT.

* by posting it to GPO Box 1722, Darwin NT 0801.

* by sending it by facsimile transmission to telephone number 8999 7066.

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature

Justice of the peace / commissioner for oaths

Name

Address or phone no.

This affidavit of service was filed by:

* Delete if inapplicable.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 15

rule 15

NOTICE OF APPEARANCE OF RESPONDENT

[Heading as in Form 9A, 9B or 9C as applicable]

TO THE COURT

and the APPLICANT, whose address for service is:

The respondent (the Territory) appears in this proceeding. The respondent's address for service of documents is:

Signed:

Dated:

This notice of appearance is filed by:

* Delete if inapplicable.

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 22

section 8(4)
rule 22

**NOTICE OF HEARING OF APPLICATION
FOR ASSISTANCE CERTIFICATE
FOR GRIEF SUFFERED AS A RESULT OF DEATH OF VICTIM**

[Heading as in form 9A, 9B or 9C as applicable]

To:

of:

TAKE NOTICE that the Court, on the day of 20 ,
on hearing the above application, determined that you may apply for
assistance for grief under section 5(2A) of the *Crimes (Victims Assistance) Act*
and ordered that you be notified of the date of hearing of the application and
served with a copy of the application.

The hearing of the application has been listed to take place at the Court
at at a.m./p.m. on 20 .

If you do not attend the hearing of the application, the Court may determine
the application in your absence and you will be barred from making an
application under section 5(2A) of the Act in respect of the victim in relation to
whose death the application has been made.

A copy of the application is attached.

Dated:

Registrar

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 23

section 10A(1)
rule 23

CONSENT AGREEMENT

[Heading as in Form 9A, 9B or 9C as applicable]

TO THE COURT

The parties agree that the amount to be specified in the assistance certificate issued by the Court is \$*[amount]*.

.....
Signed by the applicant

.....
Dated

.....
Signed for and on behalf of the respondent

.....
Dated

NORTHERN TERRITORY OF AUSTRALIA

Crimes (Victims Assistance) Act

FORM 25

sections 8(1) and 10A(1)
rule 25

ASSISTANCE CERTIFICATE

[Heading as in form 9A, 9B or 9C as applicable]

Date of order:

By whom order made:

ABSTRACT OF ORDER

THE COURT ORDERED THAT:

I CERTIFY THAT this certificate fully and accurately sets out the particulars of an order of the Local Court at _____ that the Territory must pay assistance in accordance with the details of the order.

Issued:

Registrar

ENDNOTES**1 KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION***Crimes (Victims Assistance) Rules (SL No. 43, 2002)***

| | |
|-----------|-----------------------|
| Notified | 1 November 2002 |
| Commenced | 1 November 2002 (r 2) |

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

| | |
|-------------|---|
| Assent date | 18 November 2010 |
| Commenced | 1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and <i>Gaz G7</i> , 16 February 2011, p 4) |

3 LIST OF AMENDMENTS

sch amd Act No. 40, 2010, s 124