

Crimes Victims Assistance Act
PRACTICE DIRECTION

**APPOINTMENT OF LITIGATION GUARDIAN
CRIMES VICTIMS ASSISTANCE**

This practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 10 April 2000

Background

Rule 15.01 of the Local Court Rules allows for the commencement of proceedings by way of Litigation Guardian for an infant or a person under a disability. There is no requirement to first make an application to the court only the requirement of consent etc pursuant to Rule 15.04 Section 5 of the *Crimes (Victims Assistance) Act* allows for an application to be filed on behalf of an infant or a person under a disability by "a person who is the opinion of the court is a suitable person to represent the interest of a victim".

In the part some practitioners have made application to appoint litigation guardians prior to the commencement of proceedings. This is not strictly necessary.

Procedure

When an applicant required the assistance of a litigation guarding then that person should file an affidavit of the nominated litigation guardian along with the Application for Assistance. The affidavit should contain the following:

1. The consent of the person to be litigation guardian.
2. The fact that the person nominated has no interest adverse to that of the applicant.
3. The reason for the need of a litigation guardian.
4. The relationship the nominated person has with the applicant.
5. Other relevant matters such as references to Bankruptcy, criminal history, legal capacity of the nominated litigation guardian etc.

The matter will then by referred to a Judicial Registrar in chambers who will then either endorse the file as declaring the nominated person "suitable" or will call on the applicant for further information.

**HUGH BRADLEY
CHIEF MAGISTRATE**

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