Form CP22

Federal Court (Criminal Proceedings) Rule 4.02

Federal Court of Australia Act 1976 section 30AF(3)

Application for extension of time and for leave to appeal

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**[Name of Appellant]**Appellant

**[Name of Respondent]**Respondent

To the Respondent

**Application and court hearing**

The Appellant applies for the relief set out in this Application.

The Court will hear this application, or make orders for the conduct of the application, at the time, date and place shown in the Notice of Filing and Hearing attached.[Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

If you have not already done so, you must file a notice of address for service (Form CP10) in the Registry before attending Court or taking any other steps in the appeal proceedings.

**Application for extension of time**

The applicant applies for an extension of time to seek leave to appeal.

The grounds of the application are set out in the accompanying affidavit

**Leave to appeal**

The applicant also applies for leave to appeal from the judgment of [court or judge] given on [date] at [place].

Leave to appeal is required by [specify legislation giving right to appeal with leave].

The grounds of the application are:

1. [State briefly, but specifically, the grounds of the application]

[Insert if applicable or delete]This is a proposed appeal against an interim judgment or decision.

The Judge who made the interim judgment or decision is: [insert name of Judge]

(Note: An appeal cannot be brought against an interim judgment or decision by a single Judge of the Federal Court unless the Judge who made the interim judgment or decision gives leave to appeal. (section 30AB(2) *Federal Court of Australia Act 1976*))

**Accompanying affidavit**

This application must be accompanied by an affidavit stating (a) briefly, but specifically, the facts that support the application; and (b) why the notice cannot be, or was not, filed in time.

The following must be attached to the affidavit:

1. the judgment or decision to which the application relates;
2. the reasons, if published, for the judgment or decision;
3. a draft notice of appeal that complies with CP Rule 4.10.

Date: [eg 19 June 20..]

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| Signed by [Name]  [Insert capacity eg For Commonwealth Director of Public Prosecutions / Appellant / Lawyer for the Appellant] |

*Notes*

1. **Service:** The party who files this application must, within 2 days, serve a stamped copy of the application and of the accompanying affidavit on each party to the proceedings in which the relevant judgment or decision was made: (CP Rule 4.04(1)). See Part 7 of the CP Rules for rules about service.
2. A document to be served on a party under this rule must be served personally on the party. (CP Rule 4.04(2))
3. If the Court grants an extension of time on any grounds, it will treat this document as an application for leave to appeal on those grounds.
4. The Court may grant an extension of time, and hear and determine the application for leave to appeal, at the same time.