



Supreme Court of Victoria

Notice to the Profession

Applications to the Court of Appeal for extension of time under s 313 of the *Criminal Procedure Act 2009*

- 1 The Chief Justice has authorised the issue of this Notice.
- 2 This Notice relates to commencement of the following in the Court of Appeal:
 - (a) applications for leave to appeal against conviction under s 274 of the *Criminal Procedure Act 2009* ('CPA'); and
 - (b) applications for leave to appeal against sentence under ss 278 and 283 of the CPA.
- 3 In each case, the notice of application for leave to appeal must be filed, together with other required documents, within 28 days after the day on which the offender was sentenced or any extension of that period granted under s 313 of the CPA.¹
- 4 Members of the profession have raised concerns with the Court regarding difficulties in preparing the necessary documents within the 28 day appeal period. In light of those concerns, for a trial period from **1 October 2025 to 31 March 2027** the Court will, subject to the other matters set out below, grant all applications under s 313 of the CPA that are filed in that period and seek an extension of:
 - (a) no more than 28 days; and
 - (b) if applicable, such further time as is necessary to afford the applicant the benefit of the vacation period referred to in r 1.09 of the *Supreme Court (Criminal Procedure) Rules 2017*, as if that rule applied to the 28 day appeal period fixed by the CPA.²
- 5 To apply for such an extension, it remains the case that the notice of application for extension of time (Form 6-2H) must be filed together with the notice of

¹ See ss 275(1), 279(1) and 284(1) of the CPA.

² To ascertain the last date to which an extension will be granted during the trial period: first, identify the 28th day after the day on which the offender was sentenced, but in doing so exclude the vacation period from 24 December to 9 January as if r 1.09 applies; second, add a further 28 days. An extension up to the end of that further 28 days will be granted.

application for leave to appeal, and all other documents necessary to commence the application for leave to appeal.³ However, the requirement under ss 10.3 and 10.4 of Practice Note SC CA 1 for an affidavit in support of the extension application is dispensed with.

- 6 All other extension applications under s 313 of the CPA must be made in accordance with the usual requirements and will be considered in the usual way.

Vivienne Mahy

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17 September 2025, amended 27 March 2026

³ See r 2.22 of the *Supreme Court (Criminal Procedure) Rules 2017* and s 10.4 of Practice Note SC CA 1.