



County Court of Victoria Information Sheet: Intervention Order Appeals, Children's Court Appeal and Appeal (First Listings) Hearings

About the County Court Registry

The County Court's Registry is the official record keeper of pleadings and other documents that are filed in relation to a case. In Melbourne, the Registry is located on the ground floor of the County Court. The Registry's counter service operates from 9:00am to 4:00pm and the telephone service is available from 8:45am to 5:00pm on (03) 8636 6570. Both counter and telephone services are open Monday to Friday, excluding public holidays.

Please refer to the 'Circuits' page for contact information for the Court's circuit locations.

Intervention Order Appeals from the Magistrates' Court

The County Court can hear appeals relating to Intervention Orders on the following grounds:

- the making or variation of an intervention order;
- the conditions of an intervention order;
- the refusal to make an intervention order; or
- the refusal to impose certain conditions in an intervention order.

An appeal against an intervention order must be lodged at the Magistrates' Court within 30 days of the order being made. You may be able to lodge an appeal after this time frame; if you wish to do this, please speak with a Magistrates' Court registrar. You may wish to obtain legal advice regarding your options if your appeal is out of time.

When lodging your appeal, you will be provided with copies of the notice of appeal. For appeals lodged at the Melbourne County Court, you will also be notified the date, place and time of the Appeal (First Listing) hearing.

Children's Court Appeals

Appeals may be lodged against decisions of the Family or Criminal Division of the Children's Court within 30 days of the order being made.

When lodging your appeal, you will be provided with copies of the notice of appeal. For appeals lodged with the Melbourne County Court, you will also be notified the date, place and time of the Appeal (First Listing) hearing.

What happens if I don't have legal representation?

If you don't have legal representation you may represent yourself at your appeal hearing.

Please note: The County Court does not have a duty Solicitor and therefore you will not be able to obtain legal assistance on the morning of your appeal.

What is an Appeal (First Listing)?

An Appeal (First listing) is a short hearing where the Court will set a date for the appeal to be heard. The hearing is conducted before a Judge with the aim of determining what the issues are, how many witnesses will be called and if the matter can be resolved. Appeal (First Listing) hearings for Melbourne matters are heard approximately 21 days after the appeal is lodged.

All parties are required to attend the Appeal (First Listing) and Appeal hearings. If you are represented, your solicitor or barrister should also attend. If you don't attend, the County Court may strike out your appeal or make an order in your absence.

If the appeal is struck out, the Magistrates' or Children's Court order will either be reinstated and enforced, or cancelled.

How do I apply to have my Appeal reinstated?

If your appeal is struck out as a result of you failing to appear at the hearing, you may apply to the County Court to have the matter reinstated by filing an 'Application to set aside order striking out an appeal due to non appearance' form. This form can be downloaded from the County Court website: www.countycourt.vic.gov.au.

Once you have completed the form you will need to contact the Melbourne County Court Criminal Registry on (03) 8636 6570 or the Melbourne Circuit Team on (03) 8636 6404 to obtain a suitable hearing date and file the application. At the court hearing you will have to provide reasons to a Judge as to why you failed to attend the original appeal date. If satisfied, the Judge may set a new appeal hearing date.

Please note: lodging this application does not put the Magistrates'/Children's Court order on hold.

How can I access a transcript of my Appeal hearing?

Appeals are not automatically transcribed. If you would like your appeal to be transcribed, you will need to seek approval from the hearing Judge to have the matter transcribed. You must contact the Judge's chambers if you wish to seek approval. In order to obtain a telephone number for the hearing Judge, call the Melbourne Criminal Registry on (T) 8636 6570.

For the transcript of a criminal hearing contact the Victorian Government Recording Service (VGRS) on (03) 9603 2424.

What happens if I no longer wish to proceed with my Appeal?

To abandon your appeal you must complete Form 3D/4C 'Notice of Abandonment of Appeal'. This form can be downloaded from the County Court website - www.countycourt.vic.gov.au or can be provided to you by a Registrar at a County Court venue. This form must be signed personally by the appellant.

If you complete and file this form prior to your appeal hearing date, there is no need to appear before a Judge. Once accepted for filing by the Court, the Magistrates' Court or Children's Court order takes immediate effect, which means that if you were sentenced to a term of imprisonment, you will immediately be taken into custody. For this reason, you must attend a Registry office if you are abandoning an appeal that has a custodial sentence attached. You can attend any County Court Registry to abandon your appeal.

If you are abandoning an appeal that does not have a custodial sentence attached you may fax, email or post your completed and signed abandonment form to:

Fax: (03) 8636 6052

Email: crim.reg@countycourt.vic.gov.au

Post: Criminal Registry, County Court, 250 William Street, Melbourne 3000.

You must appear before a Judge in Court if you wish to abandon your appeal on the day of your appeal hearing.

Information included in this information sheet is of a general nature and does not constitute legal advice. It should not be relied upon for such purposes. Litigants are encouraged to obtain legal advice prior to taking any step in the legal process. The County Court of Victoria does not accept any liability for loss or damage incurred as a result of reliance placed upon the content of this information sheet.