

# NATIONAL ROUND-UP: APPEALS

## COMMONWEALTH By Andrew Freer and Ken Archer

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
Federal Court of Australia	High Court	28 days	Question of law	s33 <i>Federal Court of Australia Act 1976</i>
Family Court	High Court	28 days	Special leave required	s95 <i>Family Law Act 1975 (FLA)</i> ; r41.02 <i>High Court of Australia Rules 2004</i>
Federal Magistrates Court of Australia (family law)	Family Court	28 days	Chapter 22 <i>Family Law Rules 2004</i>	s94AAA FLA; r22.03 <i>Family Law Rules 2004</i>
Administrative Appeals Tribunal	Federal Court	28 days	Question of law	ss29(2) & 44 <i>Administrative Appeals Tribunal Act 1975 (AAT Act)</i>
Australian Competition Tribunal	Federal Court	28 days	Question of law	s44ZR <i>Trade Practices Act 1974</i>
Australian Designs Offices	Federal Court	21 days	Question of law	s87 <i>Designs Act 2003</i> ; Order 52, r15 <i>Federal Court Rules (FCR)</i>
Australian Patent Offices	Federal Court	21 days	Question of law	s154 & Chapter 16 <i>Patents Act 1990</i> ; Order 52, r15 FCR
Australian Trade Marks Offices	Federal Court	21 days	Question of law	s195 <i>Trade Marks Act 1995</i> ; Order 52, r15 FCR
Copyright Tribunal	Federal Court	21 days	Question of law	s161 <i>Copyright Act 1968</i> ; Order 52, r15 FCR
Defence Force Discipline Appeal Tribunal	Federal Court	28 days	Question of law	s52 <i>Defence Force Discipline Appeals Act 1955</i>
Federal Magistrates Court of Australia (non-family law)	Federal Court	21 days	Question of law	s24 <i>Federal Court of Australia Act 1976</i> ; Order 52, r15 FCR
Human Rights and Equal Opportunity Commission	Federal Court	28 days	Question of law	s46PO <i>Human Rights and Equal Opportunity Commission Act 1986</i>
National Native Title Tribunal	Federal Court	28 days	Question of law	s169 <i>Native Title Act 1993</i>
Superannuation Complaints Tribunal	Federal Court	28 days	Question of law	s46 <i>Superannuation (Resolution of Complaints) Act 1993</i>
Social Security Appeals Tribunal	Administrative Appeals Tribunal	28 days	Merits review	s179 <i>Social Security (Administration) Act 1999</i> ; s29(2) AAT Act
Veterans Review Board	Administrative Appeals Tribunal	28 days	Merits review	s175 <i>Veterans' Entitlements Act 1986</i> ; s29(2) AAT Act
Australian Industrial Relations Commission	Australian Industrial Relations Commission (Full Bench)	21 days	Question of law (s46)	s122 & Part 20 <i>Workplace Relations Act 1996</i>
Decisions under the <i>Migration Act 1958</i>	Migration Review Tribunal; Refugee Review Tribunal; Federal Magistrates Court; Federal Court; High Court	28 days	Judicial review	Migration Review Tribunal – s338 <i>Migration Act 1958 (MA)</i> ; Refugee Review Tribunal – s411 MA; Federal Magistrates Court – s476 MA; Federal Court – s476A MA; High Court – s484 MA; ss477 & 477A MA (time)

## AUSTRALIAN CAPITAL TERRITORY By Andrew Freer and Ken Archer

Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903 (Cth)</i> ; r41.02 & 42.03 <i>High Court Rules 2004 (Cth)</i>
Supreme Court (master – other decision; judge)	Court of Appeal	28 days	Question of law	ss9 & 37E <i>Supreme Court Act 1933 (SC Act)</i> ; Part 5.4 <i>Court Procedure Rules 2006 (CPR)</i>
Supreme Court (master – interlocutory decision)	Supreme Court	28 days	Re-hearing	s9 SC Act
Supreme Court (registrar)	Supreme Court (judge or master)	28 days	Re-hearing	ss8 & 10 SC Act; r6256 & part 5.2 CPR

AUSTRALIAN CAPITAL TERRITORY cont'd

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
Magistrates Court (criminal matters)	Supreme Court	28 days	Question of law/re-hearing	ss207(1)(a) & 209 <i>Magistrates Court Act 1930</i> (MC Act)
Magistrates Court (protection and domestic violence orders)	Supreme Court	21 days	Re-hearing	ss78 & 79 <i>Domestic Violence and Protection Orders Act 2001</i>
Magistrates Court (non-criminal matters)	Supreme Court	28 days	See specific provisions (right)	s95 <i>Consumer Credit (Administration) Act 1996</i> ; s32(1) <i>Health Records (Privacy and Access) Act 1997</i> ; s155 <i>Leases (Commercial and Retail) Act 2001</i> ; s274 MC Act; s61 <i>Victims of Crime (Financial Assistance) Act 1983</i> ; r5052, 5072 & 5103 CPR
Magistrates Court (civil)	Supreme Court	28 days	Only with leave except if amount is greater than \$2,000	s275 MC Act; r5052, 5072 & 5103 CPR
Small Claims Court	Supreme Court	28 days	Question of law/unfair conduct (with leave)	s275 MC Act; r5052, 5072 & 5103 CPR
Children's Court	Supreme Court	28 days	Various (see s380)	s380, Chap 11 <i>Children and Young Persons Act 1999</i>
Coroner's Court	Supreme Court	28 days	Fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or evidence or otherwise, in the public interest or in the interests of justice	s93 <i>Coroners Act 1997</i>
ACT Administrative Appeals Tribunal	Supreme Court	28 days	Question of law (with leave)	s46 <i>Administrative Appeals Tribunal Act 1989</i> ; r5072 CPR
Admissions Board (lawyers)	Supreme Court	28 days	Re-hearing	s25(2) <i>Legal Profession Act 2006</i> ; rr5072 & 5103 CPR
Consumer and Trader Tribunal	Supreme Court	28 days	Question of law (with leave)	s51 <i>Consumer and Trader Tribunal Act 2003</i> ; rr5072 & 5103 CPR
Credit Tribunal	Supreme Court	28 days	Question of law (with leave)	s94 <i>Consumer Credit (Administration) Act 1996</i> ; rr5072 & 5103 CPR
Discrimination Tribunal	Supreme Court	28 days	Question of law (with leave)	s104 <i>Discrimination Act 1991</i> ; r5072 CPR
Disciplinary Tribunal (lawyers)	Supreme Court	28 days	Re-hearing	s437 <i>Legal Profession Act 2006</i> (LPA); rr5072 & 5103 CPR
Guardianship Tribunal	Supreme Court	28 days	Question of law and other with leave of the Court	s56 <i>Guardianship and Management of Property Act 1991</i> ; rr5052, 5072 and 5103 CPR
Health Professions Tribunal	Supreme Court	28 days	Re-hearing	s67 <i>Health Professionals Act 2004</i> ; rr5052 & 5103 CPR
Licensing Body, Bar Council or relevant council	Supreme Court (full court)	28 days	Re-hearing	s81 LPA; rr5052 & 5103 CPR
Licensing Body or relevant council	Supreme Court	28 days	Re-hearing	ss207, 239(5), 249(5), 514 & 589(4) LPA; rr5052 & 5103 CPR
Mental Health Tribunal	Supreme Court	28 days	Rehearing	s141 <i>Mental Health (Treatment and Care) Act 1994</i> ; rr5052, 5054, 5072 & 5103 CPR
Occupational Health and Safety Review Authority	Supreme Court	28 days	Question of law	s194 <i>Occupational Health and Safety Act 1989</i> ; rr5052 & 5103 CPR
Residential Tenancies Tribunal	Supreme Court	28 days	Question of law (with leave)	s125 <i>Residential Tenancies Act 1997</i> ; rr5052, 5072 & 5103 CPR

NEW SOUTH WALES By Nathan Kelly

Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903</i> (Cth); rr41.02 & 42.03 <i>High Court Rules 2004</i> (Cth)
Supreme Court	Court of Appeal	28 days	Question of law or fact. Require leave in circumstances s101(2).	s101 <i>Supreme Court Act 1970</i> (SC Act); r51.8 <i>Uniform Civil Procedure Rules 2005</i> (UCPR)



NEW SOUTH WALES cont'd

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
District Court	Court of Appeal	28 days	Question of law/fact	s127 <i>District Court Act 1973</i> ; s48 <i>SC Act 1970</i> ; r51.8 UCPR
Local Court (General Division)	Supreme Court	28 days	Question of law; question of law and fact; interlocutory judgment/order; judgment/order made with consent of the parties; order as to costs (with leave)	ss39 & 40 <i>Local Court Act 2007 (LC Act)</i> ; r50.3 UCPR
Local Court (Small Claims Division)	Supreme Court	28 days	Lack of jurisdiction or denial of procedural fairness	s39 <i>LC Act</i> ; r50.3 UCPR
Land and Environment Court	Court of Appeal	28 days	Question of law (only in specific classes of proceedings)	ss57 & 58 <i>Land and Environment Court Act 1979</i> ; s48 <i>SC Act</i> ; r51.8 UCPR
Administrative Decisions Tribunal (original decision)	Appeal Panel of ADT	28 days	Question of law or merits (with leave)	ss112 & 113 <i>Administrative Decision Tribunal Act 1997 (ADT Act)</i>
Administrative Decisions Tribunal (Appeal Panel)	Supreme Court/Court of Appeal	28 days	Question of law	s119 <i>ADT Act</i> ; Supreme Court – r50.3 UCPR; s48 <i>SC Act</i> ; Court of Appeal – r51.8 UCPR
Children's Court (Child Protection Proceedings)	District Court	28 days	Order of the Children's Court	s91, <i>Children and Young Persons (Care and Protection) Act 1998</i>
Consumer Trader and Tenancy Tribunal	Supreme Court/Court of Appeal	28 days	Question of law	s67 <i>Consumer, Trader and Tenancy Tribunal Act 2001</i> ; Supreme Court – r50.3 UCPR; s48 <i>SC Act</i> ; Court of Appeal – r51.8
Dust Disease Tribunal	Court of Appeal	28 days	Point of law or admissibility of evidence	s32 <i>Dust Diseases Tribunal Act 1989</i> ; s48 <i>SC Act</i> ; r51.8 UCPR
Guardianship Tribunal	Supreme Court or ADT (certain circumstances)	28 days	Point of law or if given permission	ss67 & 67A <i>Guardianship Act 1987</i> ; r50.3 UCPR
Industrial Relations Commission (single member)	Full Bench of the Commission	21 days	With leave if matter is in the public interest	ss187-189 <i>Industrial Relations Act 1996</i>
Medical Board	Medical Tribunal	28 days	Re-hearing	ss95-97 <i>Medical Practice Act 1992 (MP Act)</i>
Medical Tribunal	Supreme Court/Court of Appeal	28 days	Point of law or exercise of powers	ss89 & 90 <i>MP Act</i> ; Supreme Court – r50.3 UCPR; s48 <i>SC Act</i> ; Court of Appeal – r51.8 UCPR
Mental Health Review Tribunal	Supreme Court	28 days	Determination of Tribunal or failure or referral to make a determination	s163 <i>Mental Health Act 2007 (NSW)</i> – r50.3 UCPR; s48 <i>SC Act</i> ; Court of Appeal – r51.8 UCPR
Workers' Compensation Commission (original decision)	Workers' Compensation Commission	28 days	Review of decision	s352 <i>Workplace Injury Management and Workers Compensation Act 1998 (WIMWC Act)</i>
WCC (decision by Presidential member)	Court of Appeal	28 days	Point of law	s353 <i>WIMWC Act</i> ; s48 <i>SC Act</i> ; r51.8 UCPR

NORTHERN TERRITORY By Rob Perry

Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903 (Cth)</i> ; rr41.02 & 42.03 <i>High Court Rules 2004 (Cth)</i>
Supreme Court	Criminal Court of Appeal	28 days	Question of law; question of fact (with leave from the court); re the sentence (with leave)	s410 <i>Criminal Code Act</i>
Supreme Court	Court of Appeal	28 days	Grounds contained within Rules	rr52.05, 77.05, 83 & 85 <i>Supreme Court Rules</i>
Local Court	Supreme Court	28 days*	Question of law	s163 <i>Justices Act</i> ; s19 <i>Local Court Act</i>

\* Extension with leave from the Supreme Court.

**NORTHERN TERRITORY cont'd**

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
Court of Summary Jurisdiction	Supreme Court	One month	Sentence, question of law or fact	ss163 & 171 <i>Justices Act</i>
Anti-Discrimination Commissioner	Local Court	28 days	Question of law and/or fact	s106 <i>Anti-Discrimination Act</i>
Board of Territory Insurance Office	Motor Accidents (Compensation) Act Tribunal	28 days	Aggrieved by decision of Board or failure of Board to make decision within 60 days	s29 <i>Motor Accidents (Compensation) Act</i>
Building Practitioners Board	Local Court	30 days	Question of law and/or fact	s36 <i>Building Act</i>
Information Commissioner	Supreme Court	Not specified	Question of law only	s129 <i>Information Act</i>
Lands Planning and Mining Tribunal	Supreme Court	28 days	Question of law	ss127 & 133 <i>Planning Act</i> ; s48 <i>Heritage Act</i>
Mental Health Review Tribunal	Supreme Court	Not specified	Re-hearing	s142 <i>Mental Health and Related Services Act</i>

**QUEENSLAND By Greg Black**

Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35, 77T & 86 <i>Judiciary Act 1903</i> (Cth); rr41.02 & 42.03 <i>High Court Rules 2004</i> (Cth)
Supreme Court	Court of Appeal	Civil: 28 days Criminal: one month	Question of fact; question of law; re-hearing	s69 <i>Supreme Court of Queensland Act 1991</i> ; rr765(1) & 766(1) <i>Uniform Civil Procedure Rules 1999</i> (UCPR)
District Court	Court of Appeal	28 days	Question of fact; question of law; re-hearing	s118 <i>District Court of Queensland Act 1967</i> ; rr745, 748, 765(1) & 766(1) UCPR
Magistrate's Court	Court of Appeal	28 days	Question of fact; question of law; re-hearing	s118 <i>District Court of Queensland Act 1967</i>
Children's Court	District Court	28 days	Question of law (restricted grounds); by leave of the District Court	s45 <i>Magistrates Courts Act 1921</i>
Coroner's Court	Court of Appeal/ Children's Court	28 days	Question of law	Chap 3, Part 4 <i>Child Protection Act 1999</i>
Planning and Environment Court	Court of Appeal	30 business days	Question of law; lack/want jurisdiction; appeal by way of hearing anew	4.1.52, 4.1.56, 4.1.57 <i>Integrated Planning Act 1997</i>
Land Court	Land Appeal Court	42 days	Question of law	Part 3 <i>Land Court Act 2000</i>
Anti-Discrimination Tribunal	Supreme Court	28 days	Question of law	s217 <i>Anti-Discrimination Act 1991</i>
Body Corporate and Community Management Commissioner - Adjudicators Orders	Complex dispute > District Court; Not a complex dispute > Commercial and Consumer Tribunal	6 weeks (after receiving copy of order, or later on application)	Question of law	Chapter 6, Part 11 <i>Body Corporate and Community Management Act 1997</i>
Children Services Tribunal	District Court	28 days	Question of law	Part 7 <i>Child Services Tribunal Act 2000</i>
Commercial and Consumer Tribunal	District Court	28 days	Question of law; want of jurisdiction	s100 <i>Commercial and Consumer Tribunal Act 2003</i>
Guardianship and Administration Tribunal	Supreme Court	28 days	Question of law (unless court orders otherwise)	Chapter 7, Part 8 <i>Guardianship and Administration Act 2000</i>
Industrial Court	Court of Appeal (for decisions made under s248(1) (c) or s251 of the Act)	21 days	Question of law; want of jurisdiction; appeal by way of re-hearing	Chapter 9 <i>Industrial Relations Act 1999</i> (IRA)



QUEENSLAND cont'd

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
Industrial Relations Commission	Industrial Court	21 days	Question of law; want of jurisdiction; appeal by way of re-hearing	Chapter 9 IRA
Mental Health Court	Court of Appeal	28 days	Question of law	Chap 8 <i>Mental Health Act 2000</i>
Queensland Information Commissioner	Supreme Court	28 days	Question of law; natural justice; want of jurisdiction	Part 3 <i>Judicial Review Act 1991</i>
Racing Appeals Tribunal	District Court	28 days	Question of law	s193 <i>Racing Act 2002</i> ; UCPR
Small Claims Tribunal	Supreme Court	28 days	Want of jurisdiction; breach of natural justice	ss18, 19 <i>Small Claims Tribunals Act 1973</i> ; s26 <i>Judicial Review Act 1991</i>

SOUTH AUSTRALIA By Rachel White and Tony Kerin

Full court of Supreme Court	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903</i> (Cth); r41.02 & 42.03 <i>High Court Rules 2004</i> (Cth)
Supreme Court (single judge)	Full court of Supreme Court	21 days	Civil – leave required to appeal consent judgment, single judge on appeal from Magistrates Court, interlocutory order, costs. Criminal – appeal against conviction as of right against on question of law, with leave on any other ground; appeal sentence with leave.	s50 <i>Supreme Court Act 1935</i> ; <i>Supreme Court Rules (Civil) 2006</i> ; r4A <i>Supreme Court Criminal Appeal Rules 1996</i>
District Court	Single judge of District Court (decision of Master); Supreme Court (interlocutory decision of single judge); full court of Supreme Court (any other case)	21 days	Question of law; leave required to appeal from final judgment of Court in Administrative and Disciplinary Division on question of fact	Civil – Part 7 <i>District Court Act 1991</i> (DC Act); Criminal – Part 7 DC Act; s352 <i>Criminal Law Consolidation Act 1935</i> ; s283 <i>Supreme Court Rules 2006</i> ; r4A <i>Supreme Court Criminal Appeal Rules 1996</i>
Magistrates Court	District Court (minor civil claims); Industrial Court (criminal offence under <i>Summary Procedure Act 1921</i> ); Supreme Court	14 days for separate application for leave to appeal; otherwise 21 days	Appeal as of right (except interlocutory judgments in certain circumstances – see s42(1a))	s111 <i>Magistrates Court Rules 1992</i> ; ch 13 <i>Supreme Court Rules 2006</i> (SCR); Part 6 <i>Magistrates Court Act 1991</i>
Youth Court	Senior Judge of Youth Court; Supreme Court (single judge or full court, depending on circumstances)	14 days	Appeal as of right	r12.04 <i>Youth Court of South Australia Rules</i> ; s22 <i>Youth Court Act 1993</i>
Coroner's Court	Single judge of the Supreme Court (who may refer to full court)	One month	Only if a person has a 'sufficient interest' in finding	s27 <i>Coroner's Act 2003</i>
Environment, Development & Resources Court	Supreme Court (single judge or full court, depending on circumstances)	14 days	Question of law; question of fact (with leave)	s30 <i>Environment, Resources and Development Court Act 1993</i>
Equal Opportunity Tribunal (SA)	Supreme Court	One month	Review of decision/order	s98 <i>Equal Opportunity Act 1984</i>
Industrial Relations Court (IRC)	Full court of IRC (from single judge); full court of Supreme Court (from full court of IRC)	14 days	To full court of IRC – as of right; to Supreme Court – excess or want of jurisdiction, or with leave	ss188, 191, & 208 <i>Fair Work Act 1994</i>

**SOUTH AUSTRALIA cont'd**

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
Industrial Relations Commission	Full Commission (decision of single member, registrar); full court of the Supreme Court (determination of the Full Commission)	14 days	Appeal with leave against interlocutory order or direction and against determination of registrar; otherwise, as of right. Appeal to full Supreme Court if excess or want of jurisdiction.	ss206(2), 207 & 208 <i>Fair Work Act 1994</i>
Residential Tenancies Tribunal	District Court; question of law may be reserved for determination by Supreme Court	One month	On law and fact	ss40 & 41 <i>Residential Tenancies Act 1995</i>
Workers' Compensation Tribunal (WCT)	Full Bench of WCT; full court of Supreme Court	14 days	To Full Bench of WCT from single member on question of law; referral on question of law to full court of the Supreme Court.	ss86 & 86A <i>Workers' Compensation and Rehabilitation Act 1986</i> ; r30.1 <i>Workers' Compensation Tribunal Rules 2005</i>

**TASMANIA By Greg Barns**

Supreme Court (full court)	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903 (Cth)</i> ; rr41.02 & 42.03 <i>High Court Rules 2004 (Cth)</i>
Supreme Court	Full court of the Supreme Court	21 days*	Question of law and fact	reg 659 <i>Supreme Court Rules 2000</i>
Magistrates Court	Supreme Court	21 days	s111 re-hearing <i>de novo</i>	s107 <i>Justices Act 1959</i>
Administrative Appeals Decisions (Magistrates Court)	Supreme Court	28 days	Question of law	s47 <i>Magistrates Court (Administrative Appeals Division) Act 2001</i>
Anti-Discrimination Tribunal	Supreme Court	28 days		s100 <i>Anti-Discrimination Act 1998</i>
Guardianship & Administration Board	Supreme Court	28 days	On a point of law as of right; on any other question, by leave of the Court	s76 <i>Guardianship and Administration Act 1995</i>
Mining Tribunal	Supreme Court	28 days	Review of inferior court decision or re-hearing <i>de novo</i>	s140 <i>Mineral Resources Development Act 1995</i>
Residential Tenancy Commissioner	Magistrates Court	7 days	Re-hearing	s48J <i>Residential Tenancy Act 1997</i>
Resource Management Planning and Appeals Tribunal	Supreme Court	28 days	Question of law	s25 <i>Resource Management and Planning Appeal Tribunal Act 1993</i>
Tasmanian Industrial Relations Commission	Full Bench	21 days	Law or administrative law grounds	s71 <i>Industrial Relations Act 1984</i>
Workers Rehabilitation and Compensation Tribunal	Supreme Court	21 days	Question of law	s63 <i>Workers Rehabilitation and Compensation Act 1988</i> ; reg 706 <i>Supreme Court Rules 2000</i>

\* 21 days (final judgment); 10 days (interlocutory judgment)

**VICTORIA By Maarten Vlot**

Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35 & 77T <i>Judiciary Act 1903 (Cth)</i> ; rr41.02 & 42.03 <i>High Court Rules 2004 (Cth)</i>
Supreme Court	Court of Appeal	14 days	Restricted by s17 <i>Supreme Court Act 1986</i>	s10 & Div 2A <i>Supreme Court Act 1986 (SC Act)</i>
County Court (civil)	Court of Appeal	14 days	Restricted by s74 <i>County Court Act 1958</i>	s10 SC Act; s74 <i>County Court Act 1958</i>



VICTORIA cont'd

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation
County Court (criminal)	Court of Appeal	14 days	Question of law; question of fact; appeal against sentence; or any other question the court deems fit by leave	s10 SC Act; ss567 & 572 <i>Crimes Act 1958</i>
County Court ( <i>Accidents Compensation Act</i> )	Supreme Court	Notice of intention to appeal must be served on the County Court within 21 days; and appeal application must be lodged within six months of the making of the determination.	Question of law	s52 <i>Accident Compensation Act 1985 (ACA)</i>
Magistrates Court (civil)	Supreme Court	30 days	Question of law	s109 <i>Magistrates Court Act 1989 (MCA)</i>
Magistrates Court (criminal)	County Court; Supreme Court; Court of Appeal	County/Supreme Courts – 30 days; Court of Appeal – 14 days	Supreme Court – question of law; Court of Appeal – Question of law; question of fact; appeal against sentence; or any other question the court deems fit by leave	County court – s83 & Schedule 6 MCA; Supreme Court – s92 MCA; Court of Appeal – s10 SC Act; ss567 & 572 <i>Crimes Act 1958</i>
Magistrates Court ( <i>Accidents Compensation Act</i> )	Supreme Court	21 days	Question of law	s52 ACA
Children's Court	County Court / Supreme Court (if president constituted trial court)	30 days	Criminal division appeal to County Court – against any sentencing order; Supreme Court/Family Division appeal – question of law	Appeal from criminal div – s424 <i>Children, Youth and Families Act 2005</i> , schedule 6 MCA; Appeal from family division – s328 <i>Children, Youth and Families Act 2005</i> , schedule 6 MCA, s20 <i>Crimes (Family Violence) Act 1987</i> ; Appeal to Supreme Court – s427 <i>Children, Youth and Families Act 2005</i> , schedule 6 MCA
State Coroners Office	Supreme Court/State Coroner		Supreme Court - re-opening of inquests in certain circumstances; State Coroner – mistake in the record of findings, new facts or evidence	s59A <i>Coroners Act 1985</i>
Mental Health Review Board	Victorian Civil and Administrative Tribunal (VCAT)	28 days	Persons whose interests are affected may apply for review. VCAT may affirm, vary or set aside decision	s120 <i>Mental Health Act 1986</i>
Victims of Crime Assistance Tribunal	VCAT	28 days	Persons whose interests are affected may apply for review. VCAT may affirm, vary or set aside decision	s59 <i>Victims of Crime Assistance Act 1996</i>
VCAT	Court of Appeal if constituted by the president or a vice-president (leave only); or trial division of the Supreme Court (leave only)	Court of Appeal – 28 days; Supreme Court – 14 days	Question of law	s148 <i>Victorian Civil and Administrative Tribunal Act 1998</i>

# WESTERN AUSTRALIA By Patrick Mugliston and Michael Mugliston

Appeal from	Appeal to	Time to appeal	Grounds of appeal	Legislation	
Court of Appeal	High Court	28 days	Special leave granted by the High Court	ss35, 35A, 77T and 86 <i>Judiciary Act 1903</i> (Cth); r41.02 of <i>High Court Rules 2004</i>	
Supreme Court	Court of Appeal	14 days	Question of law/ question of fact	s26 <i>Supreme Court (Court of Appeal) Rules 2005</i>	
District Court	Court of Appeal	14 days (interlocutory civil appeal); 21 days (any other appeal)	Question of law and of fact	s79(1) <i>District Court of Western Australia Act 1969</i> ; s26 <i>Supreme Court (Court of Appeal) Rules 2005</i>	
Magistrates Court (civil)	District Court	21 days	Question of law/ question of fact	s40(3)(a) <i>Magistrates Court (Civil Proceedings) Act 2004</i>	
Magistrates Court (criminal)	Supreme Court (single judge); Court of Appeal (in special cases)	28 days	Question of law/ question of fact	Supreme Court – s10(3) <i>Criminal Appeals Act 2004</i> (CA Act); Court of Appeal – s13(2) CA Act	
Children's Court	• Judge	Court of Appeal	21 days	Question of law/ fact	s17(3) <i>Criminal Appeals Act 2004</i> ; s42A <i>Children's Court Act 1988</i>
	• Magistrate	Supreme Court (single judge); Court of Appeal (in special cases)	28 days	Question of law/ fact	s415 <i>Children's Court Act 1988</i> ; ss10(3), 13(2) CA Act
Coroner's Court	Supreme Court	N/A	Question of law/fact	s52(1) <i>Coroner's Act 1996</i>	
Criminal Injuries Award	District Court	21 days	Question of law/ question of fact	s55(3) <i>Criminal Injuries Compensation Act 2003</i>	
State Administrative Tribunal constituted by a judicial member or by members who include a judicial member	Supreme Court	28 days or, where a party requests written decisions, 28 days from date of publication	Question of law/ administrative law issues	ss21, 44(3) & 105 <i>State Administrative Tribunal Act 2004</i> (SAT Act)	
Commissioner, Dispute Resolution Directorate (WorkCover)	Court of Appeal	28 days	Question of law	s254(4) <i>Workers Compensation and Injury Management Act 1981</i>	
Building Disputes Tribunal	State Administrative Tribunal	28 days	Question of law/ question of fact	The BRA does not specify a time limit and requires leave of the tribunal. The SAT Act and regulations specify 28 days with the right to seek relief from procedural limits	

**Ken Archer** is a barrister at Burley Griffin Chambers, Canberra. **PHONE** (02) 6230 6912 **EMAIL** karcher@bgchambers.com.au

**Greg Barns** is a barrister specialising in criminal defence work and human rights. He practises from Republic Chambers, Hobart. **PHONE** (03) 6223 2513 **EMAIL** republicone@ozemail.com.au

**Greg Black** is a partner at Turner Freeman, Brisbane. **PHONE** (07) 3025 9003 **EMAIL** gsb@turnerfreeman.com.au

**Andrew Freer** is a Principal at KJB Law, Woden. **PHONE** (02) 6281 0999 **EMAIL** andrew@kjblaw.com.au

**Nathan Kelly** runs a litigation practice focusing primarily on motor accident claims at the Stacks/Goudkamp Newcastle Office. He is a committee member of the NSW branch of the Lawyers Alliance. **PHONE** (02) 4925 3355 **EMAIL** nathan@stacksgoudkamp.com.au

**Tony Kerin** is the Lawyers Alliance's South Australian director. **PHONE** (08) 8231 1110 **EMAIL** anthony.kerin@johnstonwithers.com.au

**Michael Mugliston** is a paralegal at Francis Burt Chambers and a law student at Notre Dame University. **PHONE** (08) 9220 0444 **EMAIL** mmugliston@francisburt.com.au

**Patrick Mugliston** is a barrister at Francis Burt Chambers, Perth. **PHONE** (08) 9220 0444 **EMAIL** pmugliston@francisburt.com.au

**Rob Perry** is a solicitor practising in the Northern Territory. **EMAIL** rperry@ntpa.com.au

**Maarten Vlot** is a solicitor with Kenyons Lawyers in Melbourne and is a committee member of the Victorian branch of the Lawyers Alliance. **PHONE** (03) 9329 5151 **EMAIL** mail@vlot.biz

**Rachel White** is a law clerk at Johnston Withers, Adelaide. **PHONE** (08) 8231 1110