

Media Release

The Hon Martin Pakula MP
Attorney-General
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REFORMS TO STREAMLINE AND MODERNISE APPEALS

The Andrews Labor Government is modernising Victoria’s appeals system, reducing the burden on victims and witnesses and making appeal processes more efficient.

The *Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018* will abolish ‘*de novo*’ appeals of criminal cases to the County Court.

Currently, when a person is found guilty by the Magistrates’ or Children’s court and appeals their conviction, the County Court must hear all evidence again and reach a new decision. Essentially, appeals are a new – or *de novo* – hearing.

The current system places a considerable burden on victims and witnesses, who are required to give their evidence again during appeal proceedings. The system also consumes large amounts of County Court time and resources.

The reforms will see conviction appeals decided on transcripts of evidence from the original trial, with further evidence received only if the County Court considers it to be in the interests of justice.

An accused will no longer be able to change their plea on appeal without leave under the new laws.

Sentence appeals will also be determined on evidence and materials before the original court, and may only be allowed if the County Court considers there is a compelling reason to impose a different sentence. The Magistrate’s reasons for the original sentence must be taken into account when considering the appeal.

Additional evidence, material or information relating to matters that occurred after sentencing may also be considered.

De novo appeals against final orders made by the Family Division of the Children’s Court will similarly be abolished under the reforms.

Quotes attributable to Attorney-General Martin Pakula

“We’re modernising Victoria’s appeal processes, to minimise harm to victims and witnesses.”

“The reforms recognise an accused person’s right to challenge their conviction or sentence where appropriate, because a fair right to appeal is a crucial part of an effective justice system.”

“This is about ensuring that the time and resources of the state’s higher courts are used in a more efficient and effective way.”