

Authorised Version

**County Court (Chapter II Family Violence
Protection Amendment) Rules 2018**

S.R. No. 34/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 34/2018

County Court Act 1958

County Court (Chapter II Family Violence Protection Amendment) Rules 2018

A majority of the Judges of the County Court makes the following Rules:

1 Object

The object of these Rules is to amend Chapter II of the Rules of the County Court by adding the form of an application to set aside an order striking out an appeal under the **Family Violence Protection Act 2008** because of the failure of the appellant to appear.

2 Authorising provisions

These Rules are made under section 78 of the **County Court Act 1958** and all other enabling powers.

3 Commencement

These Rules come into operation on 3 April 2018.

4 Principal Rules

In these Rules, the County Court Miscellaneous Rules 2009¹ are called the Principal Rules.

5 Order 19 inserted

After Order 18 of the Principal Rules **insert—**

"ORDER 19

**PROCEEDINGS UNDER THE FAMILY
VIOLENCE PROTECTION ACT 2008**

**19.01 Application to set aside order striking out
appeal for failure to appear**

An application under section 118A(3) of the
Family Violence Protection Act 2008 shall
be in Form 2–19A.

_____".

6 Form 2–19A inserted

After Form 2–18I of the Principal Rules **insert—**

"Rule 19.01

FORM 2–19A

IN THE COUNTY COURT

CASE No.:

OF VICTORIA

AT

IN THE MATTER OF:

**APPLICATION TO SET ASIDE ORDER STRIKING OUT APPEAL
FOR FAILURE TO APPEAR**

THIS FORM IS FILED ON BEHALF OF:

ADDRESS:

THIS MATTER WAS LISTED ON: *[date]*

CONTACT DETAILS

[If represented, please complete the legal practitioner details below]

Contact No.:

Email address:

Address for service:

*I have Legal Representation *[complete below]*

*I do not have Legal Representation

*I represent the applicant

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Firm: Practitioner's Name:
Solicitor Code: Ref.:

TO the Registrar of the County Court at:

AND TO the Respondent: *[name]* of *[address]*

An appeal was lodged against a decision of the Magistrates' Court at *[place]*
on *[date]*.

The Magistrates' Court reference number is

The applicant wishes to apply for an order to set aside the order striking out
the applicant's appeal for the applicant's failure to appear made by the County
Court on *[date]*.

Reasons for application

The application is made on the grounds that the failure to appear was not due
to fault or neglect on the applicant's part. The reasons are: *[give details]*

Date:

*[Signature of Applicant/
Applicant's Legal Practitioner]*

The filing of this application does not stay the original order.

LISTING OF APPLICATION

This application is listed for hearing before the County Court at *[place]* at
[time] a.m./p.m. on *[date]*.

Date:

Registrar/Deputy Registrar

*delete if not applicable

_____".

Dated: 26 March 2018

P. B. KIDD, *Chief Judge*

I. E. LAWSON

G. G. HICKS

P. J. COISH

J. A. SMALLWOOD

J. A. CAMPTON

S. M. COHEN

W. A. WILMOTH

M. E. SEXTON

F. P. HAMPEL

F. E. HOGAN

P. D. GRANT

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S. E. PULLEN	R. H. SMITH
L. A. HANNAN	M. F. MACNAMARA
M. D. MURPHY	J. A. JORDAN
C. M. O'NEILL	C. J. RYAN
P. G. MISSO	G. F. MEREDITH
P. M. E. WISCHUSEN	R. W. DYER
P. G. LACAVA	A. CHAMBERS
F. R. GUCCIARDO	A. J. TSALAMANDRIS
P. M. TAFT	E. WOODWARD
F. SACCARDO	C. R. GWYNN
H. T. MASON	D. A. TRAPNELL
G. P. MULLALY	A. M. RYAN
J. D. MONTGOMERY	P. HIGHAM
M. H. TINNEY	T. WRAIGHT
M. E. DEAN	P. RIDDELL
J. F. CARMODY	

County Court (Chapter II Family Violence Protection Amendment)

Rules 2018

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Endnotes

Endnotes

¹ Rule 4: S.R. No. 56/2009. Reprint No. 1 as at 1 March 2016. Reprinted to S.R. No. 35/2015. Subsequently amended by S.R. Nos 43/2016 and 5/2017.