

# **SUPREME COURT OF TASMANIA**

## **PRACTICE DIRECTION**

**No. 5 of 2005**

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The following Practice Direction is published by direction of the Chief Justice, the Honourable Mr Justice Underwood AO.

This Practice Direction replaces 4/2003.

### **DELAYS IN DELIVERY OF JUDGMENT**

- 1 The policy of the Court is that judgment should be delivered as expeditiously as possible. However, given (inter alia) the constantly changing and often unpredictable demands on judicial time, the differences in the priorities for the delivery of judgments in different cases and the difference in the time required for the writing of judgment in different cases, the judges do not regard it as appropriate or useful to settle a time-table governing the delivery of reserved judgments.
- 2 It is the Court's view that it is highly desirable that the Court is always informed if there is some special reason why judgment should be delivered quickly in a particular case and the Court has never seen any objection to solicitors for the parties making an enquiry in appropriate cases as to when a reserved judgment might be expected to be delivered.
- 3 In the event that the solicitors for one or more of the parties are concerned at the delay in any given case, an enquiry in writing may be made to the Judge in question or to his Associate as to when judgment may be expected.
- 4 If the enquiry is not answered to the satisfaction of the solicitor or the client, the enquiry should be directed to the Chief Justice, who will then consult with the Judge who has reserved judgment.
- 5 If the delay is that of the Chief Justice, the enquiry should be made to the Senior Puisne Judge.
- 6 If any solicitor is reluctant to make a direct approach as set out above, he or she should write to the President of the Law Society of Tasmania or the President of the Tasmanian Bar Association in confidence advising details of the proceeding number, the parties, the name of the Judge and the date of reservation. The President will then write to the Chief Justice (or Senior Puisne

Judge) without identifying the solicitor on whose behalf the enquiry is made and the Chief Justice (or Senior Puisne Judge) will then consult with the Judge who has reserved judgment.

- 7 After consultation with the Judge who has reserved judgment, the Chief Justice (or Senior Puisne Judge) will respond to the President's enquiry for forwarding to the solicitor making the original enquiry.
- 8 This Protocol is similar to one operating in Victoria, which is said to have operated satisfactorily from its inception. It is made in response to a request from the Tasmanian Bar Association.