

SUPREME COURT OF TASMANIA

PRACTICE DIRECTION

No. 7 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 4/1997.

APPEAL BOOKS - COURT OF CRIMINAL APPEAL

1. The appellant (and, if more than one, the appellant selected by the Registrar) in an appeal before the Court of Criminal Appeal will be responsible for the preparation of the appeal book.
2. Every appellant must, within seven days of filing either a Notice of Appeal or Notice of Application for Leave to Appeal, deliver to the Registrar a list of the contents proposed to be included in the appeal book.
3. Upon the filing of the list the Registrar shall give an appointment for the settlement of the appeal book contents, and every appellant shall forthwith serve a copy of the proposed list of contents and notice of appointment on every other party interested in the appeal.
4. The Registrar shall settle the contents of the appeal book when satisfied that the parties or their representatives have been given a sufficient opportunity to be heard.
5. Only material which is directly relevant to the appeal is to be included in the appeal book.
6. For the purpose of settling the appeal book contents, the Registrar may consult with the trial judge. The trial judge may direct the parties to attend before him for the purpose of settling the contents of the appeal book.
7. The appeal book must be prepared by the appellant in the manner prescribed by Rules 668 (1) - (6) of the Supreme Court Rules unless otherwise determined by the Registrar.
8. The appeal book must contain a certificate by the appellant or his solicitors that each book has been examined and is correct.

9. The contents of the appeal book must be arranged in the following order:
 - (a) title page etc.
 - (b) index;
 - (c) the certificate by the appellant that the appeal book has been examined and is correct;
 - (d) the Notice of Appeal to the Court of Criminal Appeal;
 - (e) the indictment;
 - (f) evidence, oral or by affidavit;
 - (g) exhibits;
 - (h) any ruling given during the trial;
 - (i) the summing up by the trial judge;
 - (j) the trial judge's comments on passing sentence;
 - (k) any other relevant material.
10. An appellant must no later than fourteen days prior to the first day of the Term following the settling of the contents of the appeal book or such other time as the Court or a judge allows:
 - (a) file in the Registry three copies of the appeal book for the use of the judges of the Court of Criminal Appeal, together with a certified copy of the appeal book for the Court file; and
 - (b) deliver a copy of the appeal book to every other party.
11. In cases where the Registrar is satisfied it would cause undue hardship for the appellant to prepare the appeal book, the Registrar will prepare the appeal book. An appellant aggrieved by a decision of the Registrar to refuse to prepare the appeal book may apply to a judge to review that decision.