

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 9 of 2012

27 July 2012

DIRECTIONS HEARINGS ON APPEAL TO THE COURT OF CRIMINAL APPEAL

In future, certain appeals to the Court of Criminal Appeal may be listed for directions in Hobart before the Associate Judge. This follows the introduction of s418A to the *Criminal Code* conferring on the Associate Judge the power to give directions in appeals to the Court of Criminal Appeal.

Appeals may be listed of the Court's own motion for directions if the Associate Judge or Registrar considers that the preparation of appeal books is being unduly delayed, or that there are other interlocutory issues arising in the appeal that would benefit from a directions hearing.

Preparation of appeals listings will be overseen by the Associate Judge, who will review the list of pending appeals every month, taking into account the timeframes prescribed by the *Criminal Rules* 2006 r.17. Matters that are considered would benefit from a directions hearing will then be listed before the Associate Judge.

In most cases it is expected that within 7 weeks of the filing of a Notice of Appeal:

- The Notice of Appeal and any other initial documents (such as an application for leave to appeal should that be required) will have been served.
- The proposed list of the contents of the appeal book will have been filed.
- An appointment for the settlement of the contents of the appeal book will have been given and kept.
- The appeal book will have been filed. (Note: r17(9) of the *Criminal Rules* 2006 now requires the appeal book to be filed and served within 14 days of the date upon which its contents are settled.)

Save where it is otherwise directed, appellants or respondents who are legally represented will not be required to personally attend a directions hearing. Self-represented parties who are in custody may appear by videolink.

Matters may be removed from the directions list if a memorandum from the appellant's legal representative or the Director of Public Prosecutions, that provides satisfactory details of the progress of the appeal, is filed with the Registrar.

Matters will be removed from the directions list upon the appeal being set down for hearing or upon the filing of a consent memorandum for the withdrawal or discontinuance of an appeal.

The procedures set out in the Circular will take effect immediately, and will apply to all pending appeals

JIM CONNOLLY
REGISTRAR